

WAYZATA CITY COUNCIL MEETING AGENDA
Wayzata City Hall Community Room, 600 Rice Street
Tuesday, January 21, 2014

WORKSHOP AGENDA:

5:30 PM DISCUSS CITY COUNCIL SALARIES

6:00 PM DISCUSS NEXT STEPS IN EMERALD ASH BORER PROGRAM

6:30 PM DISCUSS REPLACEMENT OF HOCKEY BOARDS

7:00 PM - CITY COUNCIL MEETING

ITEM	DESCRIPTION	PRESENTER	TT	JA	KW	AM	BA	VOTE	PAGE #
1	Roll Call								
2	Approve Agenda								
3	Public Forum - 15 Minutes (3 min/person)								
4	Consent Agenda								2
a.	Approval of Workshop Minutes of January 7, 2014 and Minutes of January 7, 2014								
b.	Approval of Check Register								
c.	Consider Second Reading of Ordinance #743 Amending Chapters 502-505 of the City Code (Intoxicating Liquor, Wine 3.2% Malt Liquor, Private Club Liquor)								
d.	Approval of Fire Protection Agreement with the City of Woodland for 2014								
e.	Approval of Fire Protection Agreement with the City of Orono for 2014								
f.	Consider 6:30 pm on April 1, 2014 Date for Local Board of Appeal and Equalization Meeting								
g.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
h.	Police Activity Report								
i.	Building Activity Report								
5	Public Hearing								
a.	Public Hearing on Street and Public Utilities Vacation for Elm Lane	Gadow							
6	New Business								
a.	Consider Resolution No. 05-2014 Anchor Bank/Walgreens Project	Gadow							52
b.	Consider Resolution No. 06-2014 - 1409 Holdridge Terrace Subdivision	Gadow							136
c.	Consider Parking Development Agreement at 328 Barry Ave. S.	Gadow							193
d.	Consider Cooperative Agreement with Three Rivers Park District	Gadow							205
e.	Consider Approval of Strategic Planning Report 2014	Nelson							212
f.	Consider Approval of RFP for New Website	Nelson							215
7	City Manager's Report and Discussion Items								
8	Public Forum (as necessary)								
9	Adjournment								

Meeting Rules of Conduct:

Turn in white card for public forum and blue card for agenda item
Give name and address
Indicate if representing a group
Limit remarks to 3 minutes

Upcoming Meetings:

City Council - **WEDNESDAY**, February 5 & Tuesday, February 18, 2014
Planning Commission - February 3 & 24, 2014

Members of the City Council and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

WAYZATA CITY COUNCIL
DRAFT - WORKSHOP MEETING MINUTES
January 7, 2014

5:30 PM CLOSED MEETING

Mr. Tanner made a motion, seconded by Mr. Amdal to recess to closed meeting to discuss the City's labor negotiations strategy pursuant to Minnesota Statute Section 13D.03. The motion carried 5/0.

The meeting recessed to closed session at 5:30 p.m. in the Community Room at Wayzata City Hall. The council discussed the City's labor negotiations strategy pursuant to Minnesota Statute Section 13D.03. Mr. Tanner made a motion, seconded by Mr. Amdal to adjourn the closed session.

The closed session was adjourned at 6:00 p.m.

6:00 PM REVIEW ARCHITECTS RENDERINGS FOR ANCHOR BANK/WALGREENS PROJECT

Mayor Willcox called the workshop meeting to order at 6:30 p.m. in the Community Room at Wayzata City Hall. Council Members Present: Amdal, Anderson, Mullin and Tanner.

Also present: City Manager Nelson, and City Planner Gadow. Also present: John Kohler with Semper Development, Todd Mohagen with Mohagen Hanson Architects, and David Steingas with Steiner & Koppelman Builders.

Mr. Kohler asked the Council for input on their revised designs for both the proposed new Walgreens and Anchor Bank buildings that are part of a pending development application. The Council provided feedback to the applicant regarding the design of the Walgreens building including the use of dark metal material, adding additional landscaping, minimizing the visual impact of the emergency vehicle access, and fencing and screening on the properties. The application will be reviewed by the City Council at the January 21, 2014 regular meeting.

The workshop was adjourned at 6:55 p.m.

Respectfully submitted,

Becky Malone
Deputy City Clerk

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
January 7, 2014

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Amdal, Anderson, Mullin and Tanner. Also present: City Manager Nelson, City Planner Gadow, City Engineer Kelly, Police Chief Risvold, and City Attorney Schelzel.

Mr. Willcox announced the Council met in closed session prior to tonight's meeting to discuss the City's labor negotiation strategy pursuant to Minnesota Statute Section 13D.03.

AGENDA ITEM 2. Approve Agenda.

Mr. Tanner made a motion, seconded by Mr. Amdal, to table consideration of Agenda Item 5.d., Consider Approval of Development Agreement Amendment at 700 Lake Street, to the January 21, 2013 meeting. The motion carried 5/0.

Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the agenda, as revised. The motion carried 5/0.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).

a. Update Regarding Lake Minnetonka Conservation District

Dan Baasen, Wayzata's representative on the Lake Minnetonka Conservation District (LMCD), provided updates relating to activities of the LMCD including the relocation of the LMCD office from Shorewood to Mound to attain a significant cost savings; its Strategic Vision for Lake Minnetonka; 2013 Boater Safety Education Pilot Program goals, level of participation, and launch of the 2014 Program; LMCD's perspective of the Wayzata Lake Effect Project; Invasive Species Eradication Programs; and, Save the Lake proposals. Mr. Baasen advised of the opportunity to purchase a picture of Wayzata Bay.

Greg Nybeck, LMCD Executive Director, described the use of Zequanox in open water and indicated he will provide staff with additional information.

The Council thanked Mr. Baasen for his presentation and service to Wayzata.

b. Presentation by Chace Anderson and Jim Westrum, Wayzata Public Schools, School Funding Question on 02-25-14 Ballot

Chace Anderson, Wayzata Public School Superintendent, showed a video presentation that provided an overview of their building and technology needs, and expressed the District's appreciation to the City for its partnership. The two bond questions that will be on the February 25, 2014, ballot were presented. Mr. Anderson described the phenomenal growth that is anticipated within the District and need for \$109.6 million in bonding to accommodate that growth. In addition, the second question, if approved, would raise \$2.7 million annually for a ten-year period to address technology. It was noted that if the first ballot question is approved, it would result in a tax increase of \$123 annually (\$10/month) for a home valued at \$334,000. Approval of the second ballot question would result in no tax increase as it is an existing levy.

At the request of the Council, Jim Westrum, Wayzata Public School Executive Director of Finance and Business, provided commentary on the District's land acquisitions and sale. He explained the original land was located in the northeast portion of the District but they were required to swap the land with land that was adjacent to the High School. The Council asked Mr. Westrum to provide the City with K-12 school enrollment for Wayzata proper, both historical and projected.

Mr. Anderson advised that the District has been mostly closed to open enrollment and the projections are based on resident growth. He advised that this District is one of the few

1 experiencing this level of growth, which they view to be a positive response to what is offered by
2 the District and communities.

3 The Council thanked Messrs. Anderson and Westrum for their work to assure good
4 stewardship and fiscal responsibility.

5
6 **AGENDA ITEM 4. Consent Agenda.**

7 Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the consent agenda:

- 8 a. Approval of Workshop Minutes of December 17, 2013 and Minutes of December 17,
9 2013
 - 10 b. Approval of Check Register
 - 11 c. Consider Resolution No. 02-2014 Approving Appointment of Fire Department Officers
12 for 2014
 - 13 d. Municipal licenses which received administrative approval (informational only)
 - 14 e. Consider Resolution No. 04-2014 Approving Communications Board Appointment
 - 15 f. Consider Approval of Yard Waste Site Agreement with Plymouth
- 16 The motion carried 5/0.

17
18 **AGENDA ITEM 5. New Business.**

19 **a. Consider Resolution No. 04-2014 Bushaway Road Final Plan Approval**

20 Mr. Kelly reviewed past consideration of the Bushaway Road project and agreement reached on
21 some of the elective items: 1. Use of natural stone on the street face of all retaining walls; 2.
22 Inclusion of ornamental railing on Wall G adjacent to Locust Hills; and, 3. Construction of
23 “Moderne”-style bridge. Mr. Kelly reviewed a list of outstanding issues.

24 Nick Peterson, Hennepin County Transportation Department and project manager for the
25 Bushaway Road project, addressed outstanding issues. He presented the January 2, 2014
26 recommendation of the Landscape Committee as follows: 1. Wall I should be left in but
27 modification of the wall steps should be considered; 2. The cable guard rail presented for the west
28 side of the causeway is accepted; 3. The cable railing on the east side of the causeway, adjacent to
29 the trail, is accepted; and, 4. A “shoebox” light fixture should be used for the intersection with all
30 posts and mast arms painted black.

31 Mr. Kelly stated staff has held discussions with Locust Hills representatives who are
32 requesting additional landscaping enhancements, which would require a future agreement.

33 The Council asked about potential project impacts as a result of State Aid agreeing to a
34 reduction of guardrail heights, specifically relating to Wall G adjacent to Locust Hills that can
35 now be a 48-inch wall. Mr. Peterson explained that the ability to shrink sizes will be reflected in
36 the project plans and the City Engineer will have the opportunity for review prior to signing the
37 title sheet. On the railing design, they will try to implement something that is complementary to
38 the bridge aesthetic.

39 The Council discussed the desired “Moderne”-style bridge elements and asked whether
40 the reduced height will result in loss of bridge detail. Mr. Kelly stated the issue is whether to take
41 advantage of the six-inch height reduction and he did not think there would be a loss of design
42 elements if the height of wing walls is reduced from 54-inch to 48-inch. Mr. Peterson explained
43 that retaining walls are easier to modify vertically but the bridge is more complex and that design
44 needs to be set. He stated the Committee is willing to defer the railing aesthetic decision to Mr.
45 Amdal. Mr. Kelly displayed and described the three railing design images, noting the cable
46 would meet Building Code standards yet allow for visibility. He found the 8-inch or 12-inch
47 design to be similar to the existing ornamental fencing.

48 Mr. Peterson stated the County will make the decision on bridge height. Greg Brown,
49 Engineer of Record for construction documents with URS, stated from a structural perspective it
50 is good to go to a 48-inch height and while the “Moderne”-style still works, it is heavier than the
51 shorter parapet style. He assured the Council it will still be of a pleasing design and allow more

view. With Wall G, it appears discussions support lower elements so he would tend to suggest a 48-inch height. Mr. Kelly stated these details will be resolved in the Construction Cooperative Agreement.

The Council discussed its preference for the resolution to also address undergrounding of utility lines and enhanced landscaping throughout the project corridor within Wayzata. Mr. Kelly explained that both will be a separate City projects so they do not need to be designed within the Hennepin County plans. It was explained that the draft resolution addressed terms between the City of Wayzata and Hennepin County only on the scope of the County's project so the undergrounding of utility lines and enhanced landscaping projects should be addressed within separate documentation.

Ms. Nelson suggested adding WHEREAS statements stating the City is committed to further enhancing the landscaping elements within Wayzata's corridor of the project by working with Hennepin County to leverage public and private resources. This language could also address the undergrounding of utilities within the corridor. The Council agreed with this suggestion.

With regard to precondition surveys and existing elements such as the entrance monuments, Mr. Kelly noted the prior resolution contained conditions for final approval and Hennepin County has agreed to include those elements within the project plans, including precondition surveys. That prior resolution will be attached as an Exhibit. The Council expressed concern that over time, such an exhibit may be lost. To address that concern, Mr. Kelly suggested including prior resolution conditions as an additional WHEREAS. The Council supported that suggestion.

James Wisker, Minnehaha Creek Watershed District (MCWD) Director of Planning and Projects, provided their assessment of the stormwater management and causeway shoreline design. He stated the MCWD has reviewed the entire project corridor, location of stormwater basins, landscaping, and stormwater management. The MCWD developed modeling, and found the MCWD requirement of no net increase of pollutant loading, post project, will be met. In fact, there will actually be a small reduction post project. With regard to the causeway shoreline, the MCWD Board of Managers passed a resolution directing staff to work with Hennepin County and Wayzata to explore a collaborate solution to the proposed seawall through the causeway. They support a vegetated reinforced soil slope, and will work through a design. Mr. Wisker stated the permit application from Hennepin County to the MCWD will be considered at its January 23, 2014 meeting and a condition will be for Hennepin County to enter into a cooperative agreement with the MCWD to collaboratively construct a seawall design that is negotiated. He reviewed the permit application process, noting it will include a public hearing.

Mr. Amdal made a motion, seconded by Mrs. Anderson, to Adopt Resolution No. 04-2014 Bushaway Road Final Plan Approval, as revised to add three WHEREAS paragraphs to address undergrounding of utilities; construction of enhanced landscaping and to seek public/private funding; and, listing the conditions as contained in the 2012 Resolution; and revise language to reflect the landscape plan dated January 6, 2014 (rather than the landscape plan dated December 31, 2013), subject to review by the City Attorney.

Mr. Amdal commented on his work with this project for more than five years and thanked Wayzata residents and Hennepin County staff for working through that long process. He felt this project would result in something different and historic within Wayzata of which all will appreciate and be proud.

The motion carried 5/0.

Mr. Willcox added the Council's appreciation and thanks to all who worked on the development of the Bushaway Road project. Mr. Kelly thanked Mr. Amdal and former Councilmember Bangert for their participation.

b. Review Wayzata Yacht Club Request to LMCD for Island Dock Modifications

Mr. Gadow presented the request of the Wayzata Yacht Club (WYC) that will be considered by the LMCD to modify the length of boat slip docks 1 through 10 on the eastern end of the island (Site 3) from 24 feet to 28 feet to match the existing dolphin poles located in the water adjacent to each dock. It was noted the number of existing Boat Storage Units (BSUs) on the eastern end of the island will remain unchanged at ten. If approved by the LMCD, the WYC would reconfigure and reconstruct the permanent docks on the east side of the island. It was noted that these docks are all used for sailboats owned by Club members.

Jonathan McDonagh, WYC Rear Commodore, stated the project would replace old dock structure (J24 dock) and run dock ‘fingers’ to the dolphin poles. He explained this project was not presented with the Master Plan because they did not understand, at that point, that dock structures are built differently and that the dolphin pole provides support for the end of the dock structure. He explained that dolphin poles are used to tie up the boats so they do not hit the dock.

The Council discussed the project and expressed concern that the size of boat slips will be extended to accommodate larger-sized boats.

Greg Nybeck, LMCD Executive Director, reviewed the establishment of dolphin poles and clarified that the length of BSUs does not go to the end of the dock/slips, but to the dolphin poles that will remain. He explained the LMCD qualifies this project as a minor change so it could be approved by the administration; however, the LMCD wanted to first obtain the Council’s comments to assure there is no concern.

The Council emphasized that the City’s concern relates to parking and it does not want this dock change to result in larger and more boats and additional parking problems.

Mr. McDonagh assured the Council that it will not and explained there will be similar dock replacements in the future that will be brought before the Council prior to LMCD consideration. He stated the Sailing Center has been raising funds to pay off their debt on the property and will begin raising funds for a new building and parking lot improvements. Mr. McDonagh reported on upcoming projects, maintaining the same number of motor boats, and sailing activity. With regard to landscaping the boat storage area, he reported it has been completed by the Sailing Center and approved by staff.

Consensus of the Council was reached to direct staff to prepare a letter to the LMCD relating to this project and indicating the dock extensions must not result in accommodating larger boats.

c. Consider First Reading of Ordinance No. 742 Amending Chapters 502-505 of the City Code (Intoxicating Liquor, Wine, 3.2% Malt Liquor, Private Club Liquor)

Ms. Nelson stated the amendments bring the ordinance into current practice with the liquor industry and compliance with State statute.

Attorney Schelzel provided a review of the proposed ordinance amendments and indicated the changes fall into the areas of clean-ups to provide readability, consolidation of redundant language, updating provisions for modern business practices, and to assure chapters are consistent with current State law. He recommended deletion of typo language within Section 505.05 referencing on-sale wine licenses.

Police Chief Risvold stated this ordinance was reviewed because during compliance checks, it was found that beer and wine was being sold, and identification checked, by under-aged employees. He explained that the employee needs to be 18 years of age to sell, check identification, and serve intoxicating liquor.

Attorney Schelzel and Ms. Nelson provided a summary and rationale of recommended amendments. It was indicated that this ordinance would not address brewpubs but that regulation could be added in the future should it be supported by the Council. Attorney Schelzel advised that of the City’s seven on-sale intoxicating licenses (not including restaurants), five have been issued plus the Muni. This leaves two available such licenses. With regard to the limited number

1 of caterers offering liquor, it was explained it is State regulated, a temporary permit is issued for a
2 specific event, and the City is notified.

3 The Council reviewed the draft language and asked questions of Attorney Schelzel.

4 Mr. Amdal made a motion, seconded by Mr. Tanner, to approve First Reading of
5 Ordinance No. 742 Amending Chapters 502-505 of the City Code (Intoxicating Liquor, Wine,
6 3.2% Malt Liquor, Private Club Liquor), with correction to Section 505.05. The motion carried
7 5/0.
8

9 **d. Consider Approval of Development Agreement Amendment at 700 Lake Street**

10 This item was removed from the agenda upon adoption.
11

12 **e. Consider Second Reading of Ordinance No. 742 for Street Vacation of Certain**
13 **Portions of Former Superior Boulevard**

14 Mr. Amdal recused himself from consideration of this agenda item.

15 It was noted that Ordinance No. 742 received First Reading on December 17, 2013.

16 Mr. Tanner made a motion, seconded by Mr. Mullin, to Adopt the Second Reading of
17 Ordinance No. 742 Vacating Certain Portions of Superior Boulevard. The motion carried 4/0.
18 Mr. Amdal did not vote on this motion.
19

20 **f. Consider Resolution No. 01-2014 Designating Appointments and Assignments for**
21 **2014**

22 The Council discussed the appointments. Ms. Nelson advised that the new Long Lake
23 Administrator Scott Weske started yesterday and she will address the Long Lake/ Wayzata
24 Shared Services Study Group with him.

25 Mr. Tanner made a motion, seconded by Mr. Mullin, to Adopt Resolution No. 01-2014
26 Designating Appointments and Assignments for 2014. The motion carried 5/0.
27

28 **AGENDA ITEM 6. City Manager's Report and Discussion Items.**

29 Ms. Nelson reported on upcoming activity and meetings.

30 Mr. Gadow provided an update on the Lake Effect, recapped activity of the past few
31 weeks to present Scenario D before the City's Boards/Commissions and jurisdictional agencies,
32 and stated those meeting minutes will be provided to the Council and Steering Committee.

33 Mr. Gadow reviewed the Lake Effect meeting schedule and expectation that the Draft
34 Framework would be reviewed by the Steering Committee and Advisory Committee and
35 additional public comment obtained prior to Council consideration on February 18 and March 4,
36 2014.
37

38 **a. Update on Grant Opportunity**

39 Mr. Gadow advised of an opportunity for a Transportation Alternatives Program Solicitation
40 grant, a federal pass through, with funds available in 2017. The Three Rivers Park District is
41 working as a conduit to prepare a bundled grant application with municipalities within their
42 jurisdiction for pedestrian/bicycle connections. Mr. Gadow stated locally, it would include a
43 cycle track component of the Lakefront Plan to connect the Dakota Trail to Bushaway Road and
44 wayfinding signage and pavement marking on Ferndale Road to connect the Dakota Trail to the
45 Luce Line Trail. He indicated a 20% match (\$13,000 to \$50,000 depending on design elements)
46 is required in 2017 if the City is successful in obtaining a TAPs grant.

47 The Council noted this grant could also be used for elements (landscaping, preservation
48 of historical elements, trails, scenic beautification, and scenic designated byways) of the
49 Bushaway Road project. Mr. Gadow stated the Three Rivers Park District application is more
50 focused on transportation connections; however, the City could make a separate application for
51 the Bushaway Road project.

1 The Council discussed whether to have the City's name on two grant applications under
2 the same Program. It was noted that in one application, Wayzata would be a component of a
3 larger (Three Rivers Park District) application. The Council supported participating in both grant
4 applications as the Bushaway Road project is short by more than \$100,000 for elective elements.

5 Mr. Gadow stated staff is also preparing a DNR grant with Great River Greening for
6 \$20,000 that, if granted, would be used for native plantings/restoration near the Section
7 Foreman's House. That grant requires a 5% match that could be met with in-kind services. Mr.
8 Gadow advised of involvement by St. Paul Riverfront in grant preparation.

9
10 **Nuisance Lot**

11 The Council discussed a vacant lot in the Huntington area that contained weeds and construction
12 debris and desire of the property owner to preserve the footprint of the home since it involved a
13 variance. Mr. Gadow explained that this property owner pulled a building permit and staff is
14 working with the property owner on maintenance of the vacant lot.

15
16 **AGENDA ITEM 7. Public Forum Continued (if necessary).**

17 There were no comments.

18
19 **AGENDA ITEM 8. Adjournment.**

20 Mr. Tanner made a motion, seconded by Mr. Amdal to adjourn. There being no further business,
21 Mr. Willcox adjourned the meeting at 9:24 p.m.

22
23 Respectfully submitted,

24
25
26
27 Becky Malone
28 Deputy City Clerk

29
30 Drafted by Carla Wirth
31 *TimeSaver Off Site Secretarial, Inc.*

***Check Detail Register©**

December 2013 to January 2014

			Check Amt	Invoice	Comment
20100 Accounts Payable					
Paid Chk#	094083	1/9/2014	ABSOLUTE MECHANICAL		
E 404-40000-401	Repairs/Maint Buildings		\$374.75	3279	WARMING HOUSE REPAIRS
E 640-48000-404	Repairs/Maint - Machin/Equip		\$705.50	3296	HVAC REPAIRS
E 640-48000-404	Repairs/Maint - Machin/Equip		\$147.75	3316	HVAC REPAIRS
E 640-47000-404	Repairs/Maint - Machin/Equip		\$200.00	3337	MAINT.
E 640-48000-404	Repairs/Maint - Machin/Equip		\$295.00	3337	MAINT.
E 640-48000-404	Repairs/Maint - Machin/Equip		\$515.00	3340	HVAC REPAIRS
Total ABSOLUTE MECHANICAL			\$2,238.00		
Paid Chk#	094084	1/9/2014	AEM FINANCIAL SOLUTIONS		
E 101-41500-301	Auditing and Acct g Services		\$912.21	319616	FINANCIAL SERVICES
E 620-40000-301	Auditing and Acct g Services		\$1,000.00	319617	FINANCIAL SERVICES
E 101-41500-301	Auditing and Acct g Services		\$4,250.00	319617	FINANCIAL SERVICES
E 640-48000-301	Auditing and Acct g Services		\$2,500.00	319617	FINANCIAL SERVICES
E 640-47000-301	Auditing and Acct g Services		\$2,000.00	319617	FINANCIAL SERVICES
E 610-40000-301	Auditing and Acct g Services		\$1,000.00	319617	FINANCIAL SERVICES
E 630-40000-301	Auditing and Acct g Services		\$500.00	319617	FINANCIAL SERVICES
Total AEM FINANCIAL SOLUTIONS			\$12,162.21		
Paid Chk#	094085	1/9/2014	CANDLELIGHT FLORAL		
E 101-41500-499	Miscellaneous		\$86.35	9794	FUNERAL FLOWERS - BOBZIEN
Total CANDLELIGHT FLORAL			\$86.35		
Paid Chk#	094086	1/9/2014	COMMERCIAL ASPHALT CO.		
E 610-40000-225	Repair & Maint - System		\$342.43	WA950	ASPHALT
Total COMMERCIAL ASPHALT CO.			\$342.43		
Paid Chk#	094087	1/9/2014	CRYSTEEL/TBEI, INC.		
E 409-43100-540	Equipment		\$6,217.56	F33183	PLOW
Total CRYSTEEL/TBEI, INC.			\$6,217.56		
Paid Chk#	094088	1/9/2014	DYNAMIC PUBLISHING LLC		
E 640-48000-340	Advertising		\$300.00	140073	BAR/STORE AD
E 640-47000-340	Advertising		\$300.00	140073	BAR/STORE AD
Total DYNAMIC PUBLISHING LLC			\$600.00		
Paid Chk#	094089	1/9/2014	FASTENAL		
E 101-45200-222	Repair & Maint - Equip		\$3.74	66018	PARTS
Total FASTENAL			\$3.74		
Paid Chk#	094090	1/9/2014	GILLUND ENTERPRISES		
E 101-43100-210	Operating Supplies (GENERAL)		\$174.52	786079	SUPPLIES
E 610-40000-210	Operating Supplies (GENERAL)		\$174.52	786079	SUPPLIES
E 620-40000-210	Operating Supplies (GENERAL)		\$174.51	786079	SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$174.52	786079	SUPPLIES
Total GILLUND ENTERPRISES			\$698.07		
Paid Chk#	094091	1/9/2014	GOPHER STATE ONE CALL		
E 620-40000-313	Permit Fees/Gopher State		\$39.75	86337	LOCATES
E 610-40000-313	Permit Fees/Gopher State		\$40.00	86337	LOCATES
Total GOPHER STATE ONE CALL			\$79.75		
Paid Chk#	094092	1/9/2014	GRAINGER, INC.		
E 101-45200-222	Repair & Maint - Equip		\$7.44	9323228792	PARTS
Total GRAINGER, INC.			\$7.44		
Paid Chk#	094093	1/9/2014	H&L MESABI		
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$217.59	89415	SUPPLIES

***Check Detail Register©**

December 2013 to January 2014

			Check Amt	Invoice	Comment
Total H&L MESABI			\$217.59		
Paid Chk# 094094	1/9/2014	HARVEST HOME			
E 640-48000-499	Miscellaneous		\$69.19	122	EMPLOYEE HOSPITAL STAY FLOWERS
Total HARVEST HOME			\$69.19		
Paid Chk# 094095	1/9/2014	HENN.CNTY.ACCTG.SERVICES			
G 101-20300	Deposits Payable		\$530.83	1000038116	PRISONER PROCESSING
E 101-42120-308	Prisoner Care		\$75.00	1000038116	PRISONER PROCESSING
Total HENN.CNTY.ACCTG.SERVICES			\$605.83		
Paid Chk# 094096	1/9/2014	HENN.CNTY.INFO.TECH.DEPT.			
E 101-42200-323	Radio Units		\$1,008.19	131238053	FD RADIO SERVICE
E 101-42100-323	Radio Units		\$574.90	131238054	PD RADIO SERVICE
E 101-45200-323	Radio Units		\$100.00	131238070	PW RADIO SERVICE
E 610-40000-323	Radio Units		\$100.00	131238070	PW RADIO SERVICE
E 620-40000-323	Radio Units		\$100.00	131238070	PW RADIO SERVICE
E 101-43100-323	Radio Units		\$161.10	131238070	PW RADIO SERVICE
Total HENN.CNTY.INFO.TECH.DEPT.			\$2,044.19		
Paid Chk# 094097	1/9/2014	HENNEPIN COUNTY TREASURER			
G 650-20818	Garbage Sales Tax		\$1,361.65	9% REFUSE T	9%REFUSE TAX-DEC.2013
Total HENNEPIN COUNTY TREASURER			\$1,361.65		
Paid Chk# 094098	1/9/2014	HERC-U-LIFT			
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$470.25	R022351	SUPPLIES
Total HERC-U-LIFT			\$470.25		
Paid Chk# 094099	1/9/2014	HERITAGE SHADE TREE CONSULTANT			
E 404-40000-302	Consultants		\$661.25	5365	FORESTRY CONSULTANT
Total HERITAGE SHADE TREE CONSULTANT			\$661.25		
Paid Chk# 094100	1/9/2014	HOLIDAY			
E 101-42100-212	Motor Fuels		\$78.56		FUEL
Total HOLIDAY			\$78.56		
Paid Chk# 094101	1/9/2014	LAKESHORE WEEKLY NEWS			
E 101-41500-350	Printing & Publishing		\$171.60	00133639	LEGAL NOTICES
Total LAKESHORE WEEKLY NEWS			\$171.60		
Paid Chk# 094102	1/9/2014	LANDSCHUTE GROUP			
G 101-20310	Escrow		\$2,770.60	REFUND	980 SHADY LANE ESCROW PROJECT REFUND
Total LANDSCHUTE GROUP			\$2,770.60		
Paid Chk# 094103	1/9/2014	LARKIN HOFFMAN DALY & LINDGREN			
G 101-20310	Escrow		\$1,843.40	REFUND	1050 LAKE ST.ESCROW PROJECT REFUND
Total LARKIN HOFFMAN DALY & LINDGREN			\$1,843.40		
Paid Chk# 094104	1/9/2014	LITTLE FALLS MACHINE, INC.			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$310.65	00052592	SUPPLIES
Total LITTLE FALLS MACHINE, INC.			\$310.65		
Paid Chk# 094105	1/9/2014	LOFFLER COMPANIES, INC.			
E 409-40000-540	Equipment		\$1,110.30	CW23844	INSTALLATION OF NEW COMPUTERS
Total LOFFLER COMPANIES, INC.			\$1,110.30		
Paid Chk# 094106	1/9/2014	METROPOLITAN COUNCIL			
G 101-20831	MWCC (SAC)		\$262,980.00	DEC.2013 SA	DEC.2013 SAC FEES
R 101-00000-34190	Charges for Services/Gen Gov		(\$2,629.80)	DEC.2013 SA	DEC.2013 SAC FEES

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		Check Amt	Invoice	Comment
Total METROPOLITAN COUNCIL		\$260,350.20		
Paid Chk# 094107	1/9/2014	MEUWISSEN, LYNN		
E 640-48000-130	Employer Paid Ins	\$200.00	NOV & DEC 2	HEALTH INS.REIMB.NOV & DEC 2013
Total MEUWISSEN, LYNN		\$200.00		
Paid Chk# 094108	1/9/2014	MN BATTERY LLC		
E 101-43100-404	Repairs/Maint - Machin/Equip	(\$129.75)	10537	SCRAP
E 240-40000-499	Miscellaneous	\$53.64	10738	SQUAD REPAIRS
E 101-42100-404	Repairs/Maint - Machin/Equip	\$120.95	10856	SQUAD REPAIRS
Total MN BATTERY LLC		\$44.84		
Paid Chk# 094109	1/9/2014	MN DEPT.OF LABOR & INDUSTRY		
G 101-20813	Surcharge Payable	\$13,853.81	SURCHARGE	4TH QTR.2013 SURCHARGE FEES
Total MN DEPT.OF LABOR & INDUSTRY		\$13,853.81		
Paid Chk# 094110	1/9/2014	POSPAPER.COM		
E 101-42100-210	Operating Supplies (GENERAL)	\$149.38	11082	SUPPLIES
Total POSPAPER.COM		\$149.38		
Paid Chk# 094111	1/9/2014	SCHARBER & SONS		
E 101-45200-240	Small Tools and Minor Equip	\$815.14	P14810	SNOWBLOWER
Total SCHARBER & SONS		\$815.14		
Paid Chk# 094112	1/9/2014	STATE OF MINNESOTA		
E 101-42100-323	Radio Units	\$270.00	00000161965	PD CONNECTIONS
Total STATE OF MINNESOTA		\$270.00		
Paid Chk# 094113	1/9/2014	TCF NATIONAL BANK		
G 101-20310	Escrow	\$2,849.08	REFUND	1101 & 1125 ESCROW PROJECT REFUND
Total TCF NATIONAL BANK		\$2,849.08		
Paid Chk# 094114	1/9/2014	TIME SAVER		
E 101-41100-302	Consultants	\$647.90	M20263	MEETING MINUTES
Total TIME SAVER		\$647.90		
Paid Chk# 094115	1/9/2014	TITAN MACHINERY - ROSEMOUNT		
E 101-45200-222	Repair & Maint - Equip	\$122.62	2750795	PARTS
Total TITAN MACHINERY - ROSEMOUNT		\$122.62		
Paid Chk# 094116	1/9/2014	TRI-CITY		
E 610-40000-309	Contractual Services	\$91.00	12/1-12/31/13	WATER ANALYSIS
Total TRI-CITY		\$91.00		
Paid Chk# 094117	1/9/2014	W.W. GOETSCH ASSOCIATES		
E 620-40000-225	Repair & Maint - System	\$3,648.71	91791	PARTS
Total W.W. GOETSCH ASSOCIATES		\$3,648.71		
20100 Accounts Payable		\$317,193.29		

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Fund Summary**20100 Accounts Payable**

101 GENERAL FUND	\$292,970.78
240 DWI FORFIETURES	\$53.64
404 PARK AND TRAIL CIP	\$1,036.00
409 EQUIP REVOLVING	\$7,327.86
610 WATER FUND	\$1,747.95
620 SEWER FUND	\$4,962.97
630 MOTOR VEHICLE	\$500.00
640 LIQUOR	\$7,232.44
650 SOLID WASTE	\$1,361.65
	\$317,193.29

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			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	094053	1/8/2014	AM.WATER WORKS ASSOC.		
E 610-40000-433	Dues, Licensing & Seminars		\$76.00	7000746918	DUES 2014
Total	AM.WATER WORKS ASSOC.		\$76.00		
Paid Chk#	094054	1/8/2014	BETH, JERRY		
E 640-48000-341	General Promotions		\$150.00	1/14/14	BAR MUSIC 1/14/14
Total	BETH, JERRY		\$150.00		
Paid Chk#	094055	1/8/2014	BETH, JERRY		
E 640-48000-341	General Promotions		\$150.00	1/21/14	BAR MUSIC 1/21/14
Total	BETH, JERRY		\$150.00		
Paid Chk#	094056	1/8/2014	BETH, JERRY		
E 640-48000-341	General Promotions		\$150.00	1/28/14	BAR MUSIC 1/28/14
Total	BETH, JERRY		\$150.00		
Paid Chk#	094057	1/8/2014	BROOKDALE CHRYSLER, JEEP,DODGE		
E 101-42100-404	Repairs/Maint - Machin/Equip		\$111.07	237489	PD REPAIRS
Total	BROOKDALE CHRYSLER, JEEP,DODGE		\$111.07		
Paid Chk#	094058	1/8/2014	CORNERHOUSE		
E 101-42100-309	Contractual Services		\$1,045.68	2014	2014FORENSIC SERVICES
Total	CORNERHOUSE		\$1,045.68		
Paid Chk#	094059	1/8/2014	CUSHMAN MOTOR COMPANY, INC.		
E 101-45200-222	Repair & Maint - Equip		\$221.02	162107	PARTS
Total	CUSHMAN MOTOR COMPANY, INC.		\$221.02		
Paid Chk#	094060	1/8/2014	DEPUTY REGISTRAR 126		
E 101-42200-404	Repairs/Maint - Machin/Equip		\$32.00		CAR/TRUCK TABS
E 101-42400-404	Repairs/Maint - Machin/Equip		\$16.00		CAR/TRUCK TABS
E 101-43300-404	Repairs/Maint - Machin/Equip		\$16.00		CAR/TRUCK TABS
E 101-42100-404	Repairs/Maint - Machin/Equip		\$16.00		CAR/TRUCK TABS
E 101-45200-404	Repairs/Maint - Machin/Equip		\$96.00		CAR/TRUCK TABS
E 101-43100-404	Repairs/Maint - Machin/Equip		\$128.00		CAR/TRUCK TABS
E 610-40000-404	Repairs/Maint - Machin/Equip		\$56.00		CAR/TRUCK TABS
E 620-40000-404	Repairs/Maint - Machin/Equip		\$56.00		CAR/TRUCK TABS
Total	DEPUTY REGISTRAR 126		\$416.00		
Paid Chk#	094061	1/8/2014	DISTEL, DANIEL		
E 101-41550-302	Consultants		\$3,427.00	JAN.2014	MONTHLY ASSESSING JAN.2014
Total	DISTEL, DANIEL		\$3,427.00		
Paid Chk#	094062	1/8/2014	EHLERS		
E 101-41500-433	Dues, Licensing & Seminars		\$270.00	CONF.REG.	CONFERENCE REGISTRATION-HEIDI
Total	EHLERS		\$270.00		
Paid Chk#	094063	1/8/2014	GILBERT, MELODY		
E 640-48000-341	General Promotions		\$300.00	1/9/14	BAR MUSIC 1/9/14
Total	GILBERT, MELODY		\$300.00		
Paid Chk#	094064	1/8/2014	INTERNATIONAL CRIME FREE		
E 101-42100-433	Dues, Licensing & Seminars		\$50.00	DUES 2014	DUES 2014
Total	INTERNATIONAL CRIME FREE		\$50.00		
Paid Chk#	094065	1/8/2014	ISRAEL, DAN		
E 640-48000-341	General Promotions		\$200.00	1/18/14	BAR MUSIC 1/18/14
Total	ISRAEL, DAN		\$200.00		

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			Check Amt	Invoice	Comment
Paid Chk# 094066	1/8/2014	KRAUTH, MAX			
E 640-48000-341	General Promotions		\$300.00	1/25/14	BAR MUSIC 1/25/14
	Total KRAUTH, MAX		\$300.00		
Paid Chk# 094067	1/8/2014	LAKE MINNETONKA ERU			
E 101-42100-433	Dues, Licensing & Seminars		\$500.00	DUES 2014	DUES 2014
	Total LAKE MINNETONKA ERU		\$500.00		
Paid Chk# 094068	1/8/2014	LAMBERT, JEFFREY W.			
E 101-42120-304	Legal Fees		\$200.00	928.001	AUDIT LETTER
	Total LAMBERT, JEFFREY W.		\$200.00		
Paid Chk# 094069	1/8/2014	LAW ENFORCEMENT TECHNOLOGY			
E 101-42100-309	Contractual Services		\$3,524.24	14377	SUPPORT AGREEMENT 2014
	Total LAW ENFORCEMENT TECHNOLOGY		\$3,524.24		
Paid Chk# 094070	1/8/2014	MARTIN, SHANE			
E 640-48000-341	General Promotions		\$300.00	1/16/14	BAR MUSIC 1/16/14
	Total MARTIN, SHANE		\$300.00		
Paid Chk# 094071	1/8/2014	MITCHELL1			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$297.60	16182043	MECHANICAL SUPPORT PROGRAM
E 101-45200-240	Small Tools and Minor Equip		\$297.60	16182043	MECHANICAL SUPPORT PROGRAM
E 101-43100-240	Small Tools and Minor Equip		\$297.60	16182043	MECHANICAL SUPPORT PROGRAM
E 620-40000-240	Small Tools and Minor Equip		\$297.60	16182043	MECHANICAL SUPPORT PROGRAM
E 610-40000-240	Small Tools and Minor Equip		\$297.60	16182043	MECHANICAL SUPPORT PROGRAM
	Total MITCHELL1		\$1,488.00		
Paid Chk# 094072	1/8/2014	MN CHIEFS OF POLICE ASSOC.			
E 101-42100-433	Dues, Licensing & Seminars		\$230.00	2014	2014 DUES
	Total MN CHIEFS OF POLICE ASSOC.		\$230.00		
Paid Chk# 094073	1/8/2014	MN POLLUTION CONTROL AGENCY			
E 620-40000-433	Dues, Licensing & Seminars		\$900.00	CONF.REG.	CONFERENCE REGISTRATION - DAVE D, KURT R & BERNIE
	Total MN POLLUTION CONTROL AGENCY		\$900.00		
Paid Chk# 094074	1/8/2014	RED DOT GARAGE			
E 640-48000-341	General Promotions		\$300.00	1/23/14	BAR MUSIC 1/23/14
	Total RED DOT GARAGE		\$300.00		
Paid Chk# 094075	1/8/2014	RISVOLD, MICHAEL			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$43.78	REIMB.	SQUAD SUPPLIES
	Total RISVOLD, MICHAEL		\$43.78		
Paid Chk# 094076	1/8/2014	RJ AHMANN COMPANY			
E 101-49200-361	General Liability Ins		\$1,750.00	123464	AGENCY FEE
E 101-49200-365	Workers Comp Ins		\$1,750.00	123464	AGENCY FEE
	Total RJ AHMANN COMPANY		\$3,500.00		
Paid Chk# 094077	1/8/2014	SAINT PAUL RIVERFRONT CORP.			
E 101-41910-302	Consultants		\$700.00	TRPG-1	GRANT CONSULTANT
	Total SAINT PAUL RIVERFRONT CORP.		\$700.00		
Paid Chk# 094078	1/8/2014	STARY, MARK			
E 640-48000-341	General Promotions		\$300.00	1/11/14	BAR MUSIC 1/11/14
	Total STARY, MARK		\$300.00		
Paid Chk# 094079	1/8/2014	SUSA			

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December 2013 to January 2014

			Check Amt	Invoice	Comment
E 610-40000-433	Dues, Licensing & Seminars		\$62.50	2014 DUES	2014 DUES
E 620-40000-433	Dues, Licensing & Seminars		\$62.50	2014 DUES	2014 DUES
	Total SUSA		\$125.00		
Paid Chk# 094080	1/8/2014	VAN PAPER COMPANY			
E 101-41500-200	Office Supplies (GENERAL)		\$845.00	297508-00	SUPPLIES
E 101-41940-210	Operating Supplies (GENERAL)		\$139.63	297508-00	SUPPLIES
	Total VAN PAPER COMPANY		\$984.63		
Paid Chk# 094081	1/8/2014	WAYZATA CHAMBER OF COMMERCE			
E 101-41500-433	Dues, Licensing & Seminars		\$425.00	5737	2014 MEMBERSHIP DUES
	Total WAYZATA CHAMBER OF COMMERCE		\$425.00		
Paid Chk# 094082	1/8/2014	XCEL ENERGY			
E 101-41940-381	Electric Utilities		\$37.39		SERVICE
E 101-45203-381	Electric Utilities		\$235.99		SERVICE
E 101-41940-381	Electric Utilities		\$2,371.09		SERVICE
E 101-42200-381	Electric Utilities		\$400.00		SERVICE
E 610-40000-381	Electric Utilities		\$4,064.36		SERVICE
E 640-47000-381	Electric Utilities		\$1,363.29		SERVICE
E 640-48000-381	Electric Utilities		\$3,181.01		SERVICE
E 620-40000-381	Electric Utilities		\$1,158.98		SERVICE
	Total XCEL ENERGY		\$12,812.11		
	10100 Anchor Bank		\$33,199.53		

Fund Summary**10100 Anchor Bank**

101 GENERAL FUND	\$19,473.69
610 WATER FUND	\$4,556.46
620 SEWER FUND	\$2,475.08
640 LIQUOR	\$6,694.30
	\$33,199.53

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 743

**AN ORDINANCE AMENDING CHAPTER 502 (INTOXICATING LIQUOR),
CHAPTER 503 (WINE), CHAPTER 504 (NON-INTOXICATING MALT LIQUOR), AND
CHAPTER 505 (PRIVATE CLUB LIQUOR)
OF THE WAYZATA CITY CODE**

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendment. Chapter 502 of the Wayzata City Code (Intoxicating Liquor) is hereby amended to read in its entirety as follows (~~struck~~ text deleted; underlined text added):

CHAPTER 502

INTOXICATING LIQUOR

502.01. Definitions. In addition to the definitions contained in Minn. Stat. § 340A.101 as it may be amended from time to time, the following terms are defined for purposes of this Chapter:

- a. “Intoxicating liquor” and “liquor” shall mean ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing ~~in excess of 3.2%~~ more than 3.2 percent of alcohol by weight.
- b. “On-Sale” shall mean the sale of liquor ~~by the glass or by the drink~~ for consumption on the premises only.
- c. “Restaurant” shall mean an establishment ~~having appropriate facilities for the serving of meals, where in consideration of payment therefor meals are regularly~~ under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public. ~~Restaurants,~~ and shall include that portion of a greater establishment devoted to such purposes, as in the case of a hotel or motel.
- d. “Sale”, “sell” and “sold” shall mean all barters, exchanges, disposal or other manners or means of furnishing intoxicating liquor, including such furnishing in violation or evasion of law.

502.02. License Required. No person ~~shall~~ may directly or indirectly, on any pretense or by any device, sell or keep for sale, charge for possession, or otherwise

dispose of, within the City any intoxicating liquor for on-sale purposes without first having been issued, and thereafter maintaining, an appropriate license to do so as provided herein in this Chapter. All such licenses shall expire on April 30th of each year.

502.03. Types of Licenses. On-sale intoxicating liquor licenses ~~shall~~ may be issued only to bona fide restaurants, as defined herein. Following are the types of licenses which may be issued for this purpose:

- a. “On-Sale Intoxicating Liquor License”, for the sale on the premises of all types and kind of intoxicating liquor.
- b. “Sunday On-Sale Intoxicating Liquor License,” for the Sunday sale on the premises of all types and kind of intoxicating liquor, which license shall be limited to persons also holding a valid On-Sale Intoxicating Liquor License and those establishments having a seating capacity of at least thirty (30) persons.

502.04. Number of Licenses. A maximum of seven (7) On-Sale Intoxicating Liquor Licenses may be issued under this Chapter. The availability of these licenses for issuance in no way shall ~~be deemed to require or commit the City Council to issue any or all of said~~ the available licenses. On-Sale Intoxicating Liquor Licenses for restaurants shall not count towards the maximum number of licenses that may be issued.

(7-21-81 Code; Ord. 618 [7-29-1999]; Ord. 647 [11-11-2003])

502.05. License Fees. The annual license fees shall be in an amount to be determined from time to time by Resolution of the City Council. At the time of each original application or renewal for any of the ~~above~~-licenses issued under this Chapter the total annual license fee therefor shall be paid in full by the applicant. Upon rejection or withdrawal of an application the license fee(s) submitted therefor (but not the fees for applicant’s background investigation, including the Minimum Investigation Fee) shall be refunded in full to the applicant, except when rejection or withdrawal is based upon a willful misstatement of fact by the applicant. No part of any fee for an issued license shall be refunded nor shall any license fee be prorated except by specific Council action.

(7-21-81 Code; Ord. 500 [5-10-1988])

502.06. Bond Requirements – Repealed

(Ord. 500 [5-10-1988]; Repealed by Ord. 536 [2-20-1990])

502.07. Application Form Procedures. An application form for the ~~above~~ licenses issued under this Chapter shall be prepared and updated from time to time by the City Manager. In addition to any information which may be required by the Minnesota State Liquor Control Commissioner, ~~said~~ such form shall include but not be limited to the following information:

- a. The name of the applicant and the type of license which the applicant is seeking.

b. Whether the applicant is a natural person, partnership, corporation or other form of organization.

c. If the applicant is a natural person, the requested personal information about the applicant and his background.

d. If the applicant is a partnership, the names and addresses of all partners and the requested personal information about each partner and his-that partner's background. The financial interest of each partner shall be disclosed, and a managing partner shall be designated. A true copy of the partnership agreement shall be submitted with the original application form.

e. If the applicant is a corporation or other organization, the names and addresses of all officers and the proposed manager, and the requested personal and background information about each ~~and his background~~. The names, addresses and financial interest shall be disclosed for all corporate shareowners or equity owners who, together with direct relatives, control more than 5% of the assets of ~~said the~~ corporation, and the requested personal and background information shall be furnished about each such person ~~and his background~~. True copies of the articles of incorporation and corporate bylaws shall be submitted with the original application form.

f. The amount of assets which the applicant has in the business, premises, fixtures, stock and operating capital shall be disclosed, together with proof of the source of such assets, such as accounting statements, financial statements and bank accounts.

g. The names and addresses of all persons, other than those listed above, who have any financial interest in the business, premises, fixtures, stock, equity or operating capital, together with the amount and nature of the interest and the terms for payment or other reimbursement thereof. This shall include but not be limited to all lessors, mortgagors, lenders, lien holders, trustors and persons who have co-signed notes or otherwise loaned, pledged or extended security to the applicant for any indebtedness.

h. The legal description of the premises to be licensed and plans of the site and all buildings thereon, showing all appropriate dimensions.

i. Proof of insurance as required under Section 502.13.

ij. All other information deemed necessary or relevant by either the City Council or the City Manager.

If the applicant is a natural person, the application form shall be executed by that person. If the applicant is a partnership, the application form shall be executed by the managing partner, and if a corporation or other organization, by a corporate or organization officer.

502.08. Licensing Procedures. The following procedures shall govern the processing and issuance of all new licenses pursuant to this Chapter:

a. At the time of an original application the applicant shall pay a Minimum Investigation Fee in an amount to be determined from time to time by ~~Resolution~~ of the City Council for each person listed on the application form, which shall include all natural persons, partners, managers, corporate officers and ~~corporate share-equity~~ owners. This fee shall be paid when an application is filed with the City, and it shall not be subject to refund. If the expenses of any investigation are extraordinary and exceed the Minimum Investigation Fee, the applicant shall pay all reasonable additional expenses incurred by the City for such investigation. Failure to pay such additional expenses within a five day period shall be cause for the City to discontinue processing of the application. At any time an additional investigation is required due to a change in ownership or control of a partnership, corporation or other organization, a licensee shall pay a Minimum Investigation Fee in an amount to be determined from time to time by Resolution of the City Council for each person involved in the change.

(7-21-81 Code; Ord. 500 [5-10-1988])

b. All applications shall be processed by the City Manager for verification and investigation of the facts set forth therein. The Chief of Police shall investigate the background of all persons listed in the application form. Jointly or separately they shall submit a written report to the City Council on the results of their investigation.

c. Following receipt of the above report(s), the City Council shall hold a public hearing on the license application. Ten (10) days' notice of this Hearing shall be given by publication in the official newspaper of the City and by direct mailing to all property-owners within 350 feet of the subject property. At this Hearing, opportunity shall be given for any person to be heard for or against issuance of the requested license.

d. If a license is approved, the City Council may withhold its issuance until the applicant has qualified in all respects for the license. If the premises to be licensed are not complete at the time of approval, the Council may approve the license but withhold its issuance until the premises have been completed in accordance with all representations made by the applicant. In such a case, the Council may rescind ~~their~~ its action approving the license if the applicant has not proceeded with reasonable dispatch to complete the subject premises, but such action may only be taken following ten (10) days' notice to the applicant.

e. The issuance of any license hereunder is and shall remain at the sole and absolute discretion of the City Council. No applicant has a right to a license under this Chapter.

f. All licenses shall be and are issued subject to conformance with all provisions of this Chapter and all other applicable regulations, ordinances, laws and statutes.

g. Each license issued hereunder shall be issued to the applicant only. Each such license shall be issued only for the premises described in the application form and shall not be effective beyond the compact and contiguous space described therein.

h. No transfer of a license shall be permitted from place to place or from person to person without complying with all requirements of an original application, including the payment of all fees therefor.

(7-21-81 Code; Ord. 500 [5-10-1988])

502.09. Eligibility for License. The provisions of this Section shall govern an applicant's initial and continued eligibility for a license pursuant to this Chapter, and no license shall be issued to:

a. A natural person:

- (1) Who is not of good character and repute.
- (2) Who is under the age of twenty-one (21).
- (3) Who is a manufacturer or wholesaler of intoxicating liquor, or who is employed by a manufacturer or wholesaler of intoxicating liquor.
- (4) Who has a direct or indirect financial interest in any other establishment within the City which has a license issued under this Chapter or under Chapters 503 or 504 of this Code. The word "interest" as used in this provision shall mean a pecuniary interest of 5% or more in the ownership, management or profits of any such establishment.
- (5) Who has been convicted of a felony.
- (6) Who within the past five years has been convicted of a violation of any law, statute or ordinance regarding the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor.
- (7) Who within the past five years has had any liquor license revoked for a willful violation of any law, statute or ordinance regarding the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor.
- (8) Who within the past five years has violated any provision of Section 502.10 of this Chapter.

(9) Who is the spouse of a person ineligible for a license under paragraphs (1), (4), (5), (6), (7) or (8) of this subsection.

(7-21-81 Code; Ord. 500 [5-10-1988])

b. A partnership which has a partner ineligible for a license under above Section 502.09.a.

c. A corporation or other organization which has an officer, shareowner or manager ineligible for a license under above Section 502.09.a. The term “shareowner” as used in this provision shall mean any person who, together with direct relatives, controls more than 5% of the assets of the corporation or other organization.

d. A restaurant located on property owned by a person ineligible for a license under above Section 502.09.a.

e. A restaurant located on property upon which taxes, special assessments or other financial claims of the City are delinquent and unpaid.

f. A restaurant which has a common entrance or exit with another business, except for a public lobby or mall area.

g. A restaurant which does not have a valid and current Food Establishment “A” License issued by the City.

h. A restaurant, as defined herein, which does not have a minimum market valuation totaling in the aggregate of more than Three Thousand (\$3,000.00) per seat, exclusive of land, kitchen equipment and personal property other than furniture and fixtures, as computed by the City Assessor.

(7-21-81 Code; Ord. 500 [5-10-1988]; Ord. 618 [7-29-1999])

i. ~~A foreign corporation.~~

(7-21-81 Code; Ord. 500 [5-10-1988]; Ord. 618 [7-29-1999])

502.10. License Restrictions. The following provisions shall govern the continued validity of a license issued pursuant to this Chapter and shall act as continuous restrictions upon any such license and operations under the license:

a. The licensee shall at all times comply with all provisions of this Chapter and with all other applicable laws, statutes and ordinances regarding the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor, as the same shall be in effect at the time the license is issued and as the same shall exist from time to time thereafter.

b. The licensee at all times shall be responsible for the conduct of ~~his place of the licensee's~~ business and for the sobriety and order on the premises ~~of his business~~.

c. All business and financial records of the licensee, including all financial reports and tax returns, shall be available for inspection by the City Manager or other properly designated representative of the City at all reasonable times.

d. Any change in management, ownership, partnership, corporate or organization officers, corporate or organization shareowners, partnership agreement, articles ~~of incorporation~~, corporate ~~bylaws~~ or other information required in Section 502.06 shall be submitted to the City Manager within thirty (30) days of such change.

e. No sale of intoxicating liquor shall be made during those hours when such sale is prohibited by State Statute, and no licensee shall display intoxicating liquor to the general public during any such hours.

f. No licensee nor any person listed on the application form for a license shall make any contribution to the election campaign of any candidate or elected official of the City.

g. The licensee shall at all times maintain a valid and current Food Establishment "A" License issued by the City, and violation of this provision shall result in the immediate suspension or revocation of any license issued pursuant to this Chapter.

h. The business of the licensee shall be conducted in such a manner that at least 50% of the gross sales of the business for any license year shall be for the serving of food. The business of a restaurant which is part of a greater operation, such as a hotel or motel, shall be conducted in such a manner that at least 50% of the gross sales of the total restaurant operation attributable to the serving of food with 50% or less in restaurant sales attributable to intoxicating liquor sales for any license year. Said "50%" Food, "50%" liquor sale ratio requirements shall apply to each quarter. Licensee shall be required to make annual reports showing the percentage of gross sales attributable to food service.

(7-21-81 Code; Ord. 500 [5-10-1988])

i. All sales of intoxicating liquor shall be made in areas designed primarily for the service of food, ~~and no such sale shall be made in any area where the purchase of food is not available except as provided in (k) below.~~

(7-21-81 Code; Ord. 500 [5-10-1988])

j. No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquor are sold or served at retail on sale, except that persons under the age of 18 may be

employed as musicians or to perform the duties of a bus person, host or dishwashing services in restaurants.

k. The hours of operation and days of sale shall be those set by Minn. Stat. § 340A.504, as it may be amended from time to time.

~~**j.** — No sale of intoxicating liquor shall be made directly to a customer from an area in which liquor is either kept or mixed. All intoxicating liquor shall be dispensed from a service bar to customers at their tables, and it shall be served by waitresses, waiters or other such employees, and not by bartenders except as provided in (k) below.~~

~~**k.** — A restaurant may have a bar or lounge area in which waitresses, waiters, bartenders, or other such which employees may serve intoxicating liquor as long as it meets the requirements of (1) or (2) below:~~

~~(1) — If a bar room area has floor to ceiling walls around the area, the square footage of the bar room may not exceed 10% of the square footage of the dining area and the total number of seats within the area may not exceed 10% of the total number of seats in the facility, including bar seats, and in no case more than 18 and the square footage of that room shall not exceed more than 10% of the gross area of the restaurant, not including restrooms, kitchen, and mechanical room.~~

~~(2) — If bar room in area is not enclosed by floor to ceiling walls, but is enclosed by a partition or short wall that does not exceed 60" in height, the number of bar stools shall not exceed 10% of the total number of seats in the facility, and in no case more than 18 and the square footage of that area shall not exceed "25%" of the gross area of restaurant, not including restrooms, kitchen and mechanical room and the lineal footage, of the face of the bar shall not exceed two feet (2) per bar stool or a maximum of thirty six (36) lineal feet. A 60" short wall may have decorative add-on architectural feature as long as one can see through it and as long as it does not exceed an overall height of 68".~~

~~(Ord. 500 [5-10-1988]; Ord. 735 [03-26-2013])~~

~~**l.** — A restaurant must be open for food service so long as bar service is available. The food and drink menu must be identical to the menu throughout the facility.~~

~~(Ord. 500 [5-10-1988])~~

~~**m.** — Said bar or lounge area may not have live entertainment, a large screen television screen or a disc jockey music station. No music, either live or recorded, shall be played outdoors.~~

~~(Ord. 500 [5-10-1988])~~

~~n. — There shall be no food or beverage service outdoors after 10:00 P.M.~~

~~(Ord. 500 [5-10-1988])~~

(7-21-81 Code; Ord. 500 [5-10-1988]; Ord. 735 [03-26-2013])

502.11. Duration and Renewal of License. All licenses issued under this Chapter shall expire on April 30th of each year. If an application is made during a license year, such a license may be issued for the remainder of the license year for a prorated fee, with any unexpired fraction of a month being counted as one month. Application for renewal of an existing license shall be made at least ~~sixty (60)~~ forty-five (45) days prior to expiration of the license, and it shall be made in such a form as provided by the City Manager, which shall contain some or all of the information listed in Section 502.07 that the City Manager deems relevant to evaluating the renewal request. With the application, the licensee shall file a statement by a certified public accountant showing the restaurant's total gross sales and total sales for the serving of food for the twelve month period immediately preceding the date of application. The licensee also shall submit the appropriate license fee(s) and an investigation fee as established by resolution, which shall be for investigation and verification of all information contained in the application form. The decision whether or not to renew a license rests within the discretion of the City Council. No licensee has a right to have the license renewed.

(Ord. 449 [1-7-1986])

502.12. Suspension or Revocation. The City Council may suspend or revoke any license issued pursuant to this Chapter for the violation of any provision of this Chapter or for the violation of any other law, statute or ordinance regarding the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor. However, no such action shall be taken without ten (10) days' written notice to the licensee. No license shall be suspended for a greater period of time than sixty (60) days. If a license is revoked, no portion of the license fee may be refunded.

502.13. Insurance. All persons holding a license issued pursuant to this Chapter shall maintain public liability insurance coverage and liquor liability insurance coverage compliant with Minn. Stat. § 340A.409, subd. 1, and with minimum bodily injury limits of \$100,000 per person and \$300,000 per occurrence and with minimum property damage limits of \$50,000 per occurrence. Such policies shall provide that no payment of any claim by the insurance company will in any manner decrease the coverage provided for any other claim(s) brought against the insured or the insuring company. Such policies also shall provide that no cancellation for any cause shall be made by either the insured or the insuring company without thirty (30) days' prior written notice to the City. Such policies shall be issued in the name of all partners if the licensee is a partnership and in the name of the corporation or other organization if the licensee is a corporation or other organization. Such policies shall be filed with the City Manager, shall be subject to approval of the City Manager as to form and content, and shall be issued by companies duly licensed to do business in the State of Minnesota. Operation of a business licensed under this Chapter without at all times having on file with the City proof of insurance as required in this Section shall be cause for revocation of the license.

502.14. Adoption of State Law by ReferenceIntoxicating Liquor Act. The provisions of Minn. Stat. Ch. 340A as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are hereby adopted by reference and are made a part of this Chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minn. Stat. Ch. 340A and the provisions of this chapter, the more restrictive governs unless state expressly controls. The provisions of Minn. Stat. §340A.101 through Minn. Stat. §340A.907 (Minnesota Intoxicating Liquor Act), as amended, are hereby incorporated into this Chapter by reference as though set forth fully herein.

(Ord. 500 [5-10-1988])

Section 2. Amendment. Chapter 503 of the Wayzata City Code (Wine) is hereby amended to read in its entirety as follows (~~struck~~ text deleted; underlined text added):

CHAPTER 503

WINE

503.01. Definitions.

a. “Wine” shall mean the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spiritsfermented, vinous beverages containing not more than 14% alcohol by volume.

b. For the purposes of this Chapter the words defined in Section 502.01 of this Code shall have the meanings given them therein.

503.02. License Required. No person, except a wholesaler or manufacturer to the extent authorized under a State license, licensed private clubs under Chapter 505, licensed on-sale intoxicating liquor establishments licensed under Chapter 502 and the municipal liquor dispensary ~~shall~~ may directly or indirectly, on any pretense or by any device, sell or keep for sale, charge for possession, or otherwise dispose of, within the City any wine for on-sale purposes without first having been issued, and thereafter maintaining, an On-Sale Wine License as provided herein in this Chapter.

503.03. License Fee. ~~The annual fee for an On-Sale Wine License shall be as established by resolution. Each such license shall be issued for a period of one (1) year and shall expire on April 30th of each year. If an application is made during a license year such a license may be issued for the remainder of the license year for a prorated fee, with any unexpired fraction of a month being counted as one month.~~

(Ord. 449 [1-7-1986])

~~Each original application for an On-Sale Wine License or application for the renewal of such a license shall be accompanied by the appropriate license fee. Upon rejection or withdrawal of any such application the license fee submitted therefor shall be refunded in full, except when rejection or withdrawal is based upon a willful misstatement of fact by the applicant. The annual license fees for licenses issued under this Chapter shall be in an amount to be determined from time to time by Resolution of the City Council. At the time of each original application or renewal for any of the licenses issued under this Chapter the total annual license fee therefor shall be paid in full by the applicant. Upon rejection or withdrawal of an application the license fee(s) submitted therefor (but not the fees for applicant's background investigation) shall be refunded in full to the applicant, except when rejection or withdrawal is based upon a willful misstatement of fact by the applicant. No part of any fee for an issued license shall be refunded, except as authorized by State Statute.~~

503.04. Application Procedures. ~~Each original application for an On-Sale Wine License or application for the renewal of such a license shall state the name of the applicant; the applicant's age; representations as to the applicant's character, with such references as the City Council may require; the applicant's citizenship; the name and location of the restaurant for which the requested license would be issued; whether the applicant is the owner and/or operator of said restaurant; how long the applicant has been in the restaurant business at that location; contain the information listed in Section 7 of Chapter 502 (Intoxicating Liquors) and such other information as the City Council may require. Such an application shall be in the form prescribed by the State Liquor Control Commissioner and shall be filed with the City Manager. Any willful misstatement of fact by the applicant shall be cause for rejection of the application.~~

503.05. Required Securities Insurance Required. ~~Every applicant and license holder under this Chapter must comply with the insurance requirements of Section 13 of Chapter 502 (Intoxicating Liquors). Prior to the issuance of an On-Sale Wine License, an applicant shall file with the City Manager evidence of public liability insurance coverage and liquor liability insurance coverage with minimum bodily injury limits of \$100,000 per person and \$300,000 per occurrence and with minimum property damage limits of \$50,000 per occurrence, which also shall comply with the requirements of Minn. Stat. §340A.412~~

~~The security offered to meet the requirements of this Section shall be approved by the City Council and the State Liquor Control Commissioner. All liability insurance policies also shall be approved as to form by the City Attorney. Operation of a business licensed~~

~~under this Chapter without at all times having on file with the City evidence of effective security as required in this Section shall be cause for revocation of the license.~~

~~(7-21-81 Code; Ord. 522 [2-21-1989]; Ord. 536 [2-20-1990])~~

503.06. Licensing Procedures. Licensing procedures for licenses issued under this Chapter shall be the same as those for licenses issued under Chapter 502 (Intoxicating Liquors). ~~The City Manager shall investigate and verify all facts set forth in an original application for an On-Sale Wine License, and he shall report the results of his the investigation to the City Council. Following receipt of this report the City Council shall hold a Public Hearing on the license application. Ten (10) days' notice of this Hearing shall be given by publication in the official newspaper of the City and by direct mailing to all property owners within 350 feet of the subject property. At this Hearing opportunity shall be given for any person to be heard for or against the requested license. Following the Public Hearing the Council shall, in its discretion, approve or deny the requested license.~~

No On-Sale Wine License shall become effective until it has been approved by the State Liquor Control Commissioner. Each such license shall be issued only to the applicant and only for the premises described in the application. No such license may be transferred to another person or location without prior City Council approval. Any transfer of stock of a corporate licensee shall be deemed a transfer of the license, and any such transfer without prior Council approval shall be cause for revocation of that license.

The holder of an On-Sale Wine License, who is also licensed to sell On-Sale 3.2 percent malt liquors and whose gross receipts are at least 60% attributable to the sale of food, may sell “strong beer” (malt liquor greater than 3.2 percent alcohol by volume) at on-sale without an additional license.

~~(7-21-81 Code; Ord. 522 [2-21-1989]; Ord. 736 [3-26-2013])~~

503.07. Eligibility for a License. A license under this chapter may only be issued to a restaurant that has at least 25 seats. ~~No On-Sale Wine License shall be issued to any person or entity ineligible for a license under state law or Chapter 502 (Intoxicating Liquors).~~

~~a. — Any person made ineligible for such a license under State Statutes.~~

~~b. — Any restaurant ineligible for such a license under State Statutes.~~

~~c. — Any restaurant which has not been in continuous operation for a period of at least thirty (30) days.~~

~~d. — Any restaurant located on property upon which taxes, special assessments or other financial claims of the City are delinquent and unpaid.~~

503.08. License Restrictions. Every license issued under this Chapter shall be subject to the ~~following~~ provisions of Section 10 of Chapter 502 (Intoxicating Liquors),

and to all other applicable laws, ordinances and regulations, which shall act as continuous restrictions upon the licenses.;

a.—— ~~A license shall authorize the consumption of wine on the licensed premises only, in conjunction with the sale of food.~~

b.—— ~~A license may be issued only to a restaurant having facilities for seating not fewer than forty (40) persons at one time.~~

(7-21-81 Code; Ord. 442 [9-3-1985])

c.—— ~~The business of a licensee shall be conducted in such a manner that at least 50% of the gross sales of the business for any license year shall be for the serving of food. The business of a restaurant which is part of a greater operation, such as a hotel or motel, shall be conducted in such a manner that at least 50% of the gross sales of the total restaurant operation attributable to the serving of food, with 50% or less in restaurant sales attributable to wine and beer sales for any license year. Licensee shall be required to make annual reports showing the percentage of gross sales attributable to food service.~~

(7-21-81 Code; Ord. 522 [2-21-1989])

d.—— ~~Every licensee shall be responsible for the conduct within his place of business and for the conditions of sobriety and order within it. An act of any employee authorized to sell wine on the licensed premises shall be deemed an act of the licensee as well, and the licensee shall be liable equally with the employee for all penalties therefor.~~

e.—— ~~All sales of wine or beer shall be made in areas designated primarily for the service of food, and no such sale shall be made in any area where the purchase of food is not available.~~

(Ord. 522 [2-21-1989] Ord. _____ [XX XX 2013])

f.—— ~~No sale of wine or beer shall be made directly to a customer from an area in which the wine or beer is kept. All wine and beer sales shall be dispensed from a service bar to customers at their tables, and it shall be served by waitresses, waiters or other such employees, and not by bartenders.~~

(Ord. 522 [2-21-1989])

g.—— ~~No sale of wine shall be made during those hours when the sale is prohibited by State Statute, and no licensee shall display wine to the public during such hours.~~

h.—— ~~No licensee shall possess a Federal Wholesale Liquor Dealer's Special Tax Stamp or a Federal Gambling Stamp.~~

(7-21-81 Code; Ord. 442 [9-3-1985]; Ord. 522 [2-21-1989]; Ord. 736 [3-26-2013])

503.09. Suspension or Revocation. The City Council may suspend or revoke any license issued hereunder in accordance with the provisions of Section 501.09 of this Code.

503.10. Duration and Renewal of License. All licenses issued under this Chapter shall expire on April 30th of each year. If an application is made during a license year, such a license may be issued for the remainder of the license year for a prorated fee, with any unexpired fraction of a month being counted as one month. Application for renewal of an existing license shall be made at least forty-five (45) days prior to expiration of the license, and it shall be made in such a form as provided by the City Manager, which shall contain some or all of the information listed in Section 502.07 that the City Manager deems relevant to evaluating the renewal request. With the application, the licensee shall file a statement by a certified public accountant showing the restaurant's total gross sales and total sales for the serving of food for the twelve month period immediately preceding the date of application. The licensee also shall submit the appropriate license fee(s) and an investigation fee as established by resolution, which shall be for investigation and verification of all information contained in the application form. The decision whether or not to renew a license rests within the discretion of the City Council. No licensee has a right to have the license renewed.

503.11. Adoption of State Law by Reference. The provisions of Minn. Stat. Ch. 340A as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of wine are hereby adopted by reference and are made a part of this Chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minn. Stat. Ch. 340A and the provisions of this chapter, the more restrictive governs unless state expressly controls.

Section 2. Amendment. Chapter 504 of the Wayzata City Code (Non-Intoxicating Malt Liquor) is hereby amended to read in its entirety as follows (~~struck text deleted~~; underlined text added):

CHAPTER 504

NON-INTOXICATING 3.2 PERCENT MALT LIQUOR

504.01. Definitions.

- a. ~~“Non-intoxicating 3.2 percent malt liquor” shall mean any potable malt beverage with an alcoholic content of more than 0.5% by volume and not more~~

~~than 3.2% by weight~~ any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

b. “Bona fide club” shall mean any club organized for social or business purposes, for intellectual improvement, or for the promotion of sports, where the serving of liquor is incidental to and not a major purpose of the club.

c. “Original package” shall mean the bottle or sealed container in which liquor is placed at the point of manufacture.

d. For the purposes of this Chapter the words defined in Section 502.01 of this Code shall have the meanings given them therein.

504.02. License Required. No person shall directly or indirectly sell or keep for sale within the City ~~non-intoxicating 3.2 percent~~ malt liquor without first having been issued an appropriate license to do so as provided herein. ~~Each such license shall be issued for a period of one year and shall expire on December 31st of each year.~~ No license shall be required of a wholesaler or manufacturer for the sale to licensed dealers or for the delivery of not less than two gallons to customers directly at their homes.

504.03. Types of Licenses. ~~Non-Intoxicating 3.2 percent~~ Malt Liquor Licenses shall be of the following types:

a. “On Sale” licenses, which shall be issued only to restaurants and bona fide clubs, and which shall permit the sale of such liquor ~~Monday through Saturday~~ for consumption on the premises only.

b. “Temporary On Sale” licenses, which shall be issued only to nonprofit civic organizations for a period of one week or less.

c. “Off-sale” licenses, which shall be issued to permit the sale at retail of such liquor in original packages for removal from and consumption off the premises only.

504.04. License Fees. ~~Fees are hereby adopted by reference and established by City Council resolution.~~ The annual license fees for licenses issued under this Chapter shall be in an amount to be determined from time to time by Resolution of the City Council. At the time of ~~Each~~ original application for a ~~Non-Intoxicating 3.2 percent~~ Malt Liquor License or application for the renewal of such a license shall be ~~accompanied by the appropriate license fee~~ paid in full by the applicant. Upon rejection or withdrawal of any such application the license fee submitted therefor ~~(but not the fees for applicant’s background investigation, including the Minimum Investigation Fee)~~ shall be refunded in full, except when rejection or withdrawal is based upon a willful misstatement of fact by the applicant. No part of any fee for an issued license shall be refunded ~~nor shall any license fee be prorated except by specific Council action.~~ ~~If an application for an annual license is made after January 1st of any license year, the license fee for the remainder of the license year shall be reduced to one half the regular amount.~~

504.05. Application Procedures. Each original application for a license issued under this Chapter or application for the renewal of such a license shall ~~state the name of the applicant; the applicant's age; representations as to the applicant's character, with such references as the City Council may require; the applicant's citizenship; the name and location of the business or other entity for which the requested license would be issued; whether the applicant is the owner and/or operator of the business; how long the applicant has been in business at that location;~~ contain the information listed in Section 7 of Chapter 502 (Intoxicating Liquors) and such other information as the City Council may require. Any willful misstatement of fact by the applicant shall be cause for rejection of the application.

504.06. Licensing Procedures. Licensing procedures for licenses issued under this Chapter shall be the same as those for licenses issued under Chapter 502 (Intoxicating Liquors). ~~The City Manager shall investigate and verify all facts set forth in an original application for a Non-Intoxicating 3.2 percent Malt Liquor License, and he shall report the results of his investigation to the City Council. Following receipt of this report the City Council shall hold a Public Hearing on the license application, except that such a Hearing shall not be required for a "Temporary On Sale" license. Ten (10) days' notice of this Hearing shall be given by publication in the official newspaper of the City and by direct mailing to all property owners within 350 feet of the subject property. At this Hearing opportunity shall be given for any person to be heard for or against the requested license. Following the Public Hearing the Council shall, in its discretion, approve or deny the requested license.~~

Each license issued under this Chapter shall be issued only to the applicant and only for the premises described in the application. No such license may be transferred to another person or location without prior City Council approval.

504.07. Eligibility for a License. No ~~Non-Intoxicating 3.2 percent Malt Liquor License~~ shall be issued to any person or entity ineligible for a license under Chapter 502 (Intoxicating Liquors).;

- ~~a. — Who is ineligible for such a license under State Statutes.~~
- ~~b. — Who is not of good moral character.~~
- ~~c. — Who is not a citizen of the United States.~~
- ~~d. — Who is under twenty-one (21) years of age.~~
- ~~e. — Who is a manufacturer of non-intoxicating 3.2 percent malt liquor.~~
- ~~f. — Who has been convicted of a felony or who has been convicted two or more times of a crime other than a felony.~~
- ~~g. — Who has been found guilty of violating any liquor law of the State.~~

504.08. License Restrictions. Every license issued under this Chapter shall be subject to the ~~following~~ provisions of Section 10 of Chapter 502 (Intoxicating Liquors), and to all other applicable laws, ordinances and regulations, which shall act as continuous restrictions upon the licenses.÷

~~a. — No equipment or fixtures in any licensed premises shall be owned in whole or in part by any manufacturer of non-intoxicating 3.2 percent malt liquor.~~

~~b. — No sale of non-intoxicating 3.2 percent malt liquor shall be made to any person under guardianship or to any person who is legally a minor.~~

~~c. — No non-intoxicating 3.2 percent malt liquor shall be sold or served to any intoxicated person, nor shall any intoxicated person be permitted to remain on the licensed premises.~~

~~d. — No sale of non-intoxicating 3.2 percent malt liquor shall be made on any primary, general or special election day at hours during which the polls are open, on Sunday between the hours of 2:00 A.M. and 12:00 noon, or on any other day between the hours of 1:00 A.M. and 7:00 A.M.~~

~~e. — In any premises for which an “On Sale” license has been issued, liquor shall be served and consumed at tables in a dining room or refreshment room of the licensed premises, and it shall not be served or consumed at bars. However, liquor may be served at counters where food is regularly served and consumed.~~

~~f. — All windows in the front of any premises for which an “On Sale” license has been issued shall be unobstructed by screens, curtains or partitions. There shall be no partition, box, stall, screen, curtain or other device which shall obstruct the view of any part of said room from the general observation of persons therein. However, partitions, subdivisions and panels not higher than sixty (60) inches from the floor shall not be construed to conflict with the foregoing restriction.~~

504.09. Insurance. All persons holding a license issued under this Chapter shall maintain public liability insurance coverage and liquor liability insurance coverage with minimum bodily injury limits of \$100,000 per person and \$300,000 per occurrence and ~~with minimum property damage limits of \$50,000 per occurrence.~~ Every applicant and license holder under this Chapter must comply with the insurance requirements of Section 13 of Chapter 502 (Intoxicating Liquors).

504.10. Suspension or Revocation. The City Council may suspend or revoke any license issued hereunder in accordance with the provisions of Section 501.09 of this Code.

504.11. Duration and Renewal of License. All licenses issued under this Chapter shall expire on April 30th of each year. If an application is made during a license year, such a license may be issued for the remainder of the license year for a prorated fee, with any unexpired fraction of a month being counted as one month. Application for

renewal of an existing license shall be made at least forty-five (45) days prior to expiration of the license, and it shall be made in such a form as provided by the City Manager, which shall contain some or all of the information listed in Section 502.07 that the City Manager deems relevant to evaluating the renewal request. With the application, the licensee shall file a statement by a certified public accountant showing the restaurant's total gross sales and total sales for the serving of food for the twelve month period immediately preceding the date of application. The licensee also shall submit the appropriate license fee(s) and an investigation fee as established by resolution, which shall be for investigation and verification of all information contained in the application form. The decision whether or not to renew a license rests within the discretion of the City Council. No licensee has a right to have the license renewed.

504.142. Adoption of State Law by Reference. The provisions of Minn. Stat. Ch. 340A as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of wine are hereby adopted by reference and are made a part of this Chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minn. Stat. Ch. 340A and the provisions of this chapter, the more restrictive governs unless state expressly controls.

Section 4. Amendment. Chapter 505 of the Wayzata City Code (Private Club Liquor) is hereby amended to read in its entirety as follows (~~struck text deleted~~; underlined text added):

CHAPTER 505

PRIVATE CLUB LIQUOR

505.01. Definitions. ~~For the purposes of this Chapter, the words and terms defined in Minn. Stat. §340.07, shall have the meanings given them therein.~~

a. “Private club” shall mean an incorporated organization organized under the laws of the state of Minnesota for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

(1) has more than 30 members;

(2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;

(3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

b. For the purposes of this Chapter the words defined in Section 502.01 of this Code shall have the meanings given them therein.

505.02. License Required. No private club shall directly or indirectly sell or keep for sale within the City any intoxicating liquor for on-sale purposes without first having been issued an appropriate license to do so as provided herein. Each such license shall be issued for a period of one year and shall expire on April 30th of each year.

505.03. Types of Licenses. Private Club Liquor Licenses shall be of the following types:

a. “On Sale” licenses, which shall be issued only to ~~bona fide~~ private clubs, and which shall permit the sale of intoxicating liquor Monday through Saturday for consumption on the premises only.

b. “Sunday On Sale” licenses, which shall be issued only to ~~bona fide~~ private clubs having a seating capacity of at least thirty (30) persons, and which shall permit the sale of intoxicating liquor on Sunday for consumption on the premises only.

505.04. License Fees. ~~Fees are hereby adopted by reference and are as established by City Council resolution. The annual license fees for licenses issued under this Chapter shall be in an amount to be determined from time to time by Resolution of the City Council. At the time of each original application or renewal for any of the licenses issued under this Chapter the total annual license fee therefor shall be paid in full by the applicant. Upon rejection or withdrawal of an application the license fee(s) submitted therefor (but not the fees for applicant’s background investigation) shall be refunded in full to the applicant, except when rejection or withdrawal is based upon a willful misstatement of fact by the applicant. No part of any fee for an issued license shall be refunded, except as authorized by State Statute.~~

(Ord. 449 [1-7-1986])

505.05. Application Procedures. ~~Each original application for a license issued under this Chapter or application for the renewal of such a license shall be submitted to the City Manager on forms provided by the City. Each original application for a licenses issued under this Chapter or application for the renewal of such a license shall contain the information listed in Section 7 of Chapter 502 (Intoxicating Liquors) and such other information as the City Council may require. Such an application shall be in the form prescribed by the State Liquor Control Commissioner and shall be filed with the City~~

Manager. Any willful misstatement of fact by the applicant shall be cause for rejection of the application.

505.06. Licensing Procedures. Licensing procedures for licenses issued under this Chapter shall be the same as those for licenses issued under Chapter 502 (Intoxicating Liquors). ~~The City Manager shall investigate and verify all facts set forth in an original application for a Private Club Liquor License, and he shall report the results of his investigation to the City Council. Following receipt of this report the City Council shall hold a Public Hearing on the license application. Ten (10) days' notice of this Hearing shall be given by publication in the official newspaper of the City and by direct mailing to all property owners within 350 feet of the subject property. At this Hearing opportunity shall be given for any person to be heard for or against the requested license. Following the Public Hearing the Council shall, in its discretion, approve or deny the requested license.~~

~~Each license issued under this Chapter shall be issued only to the applicant and only for the premises described in the application. No such license may be transferred to another club or location without prior City Council approval.~~

505.07. License Restrictions. Each license issued under this Chapter shall be subject to the provisions of Section 10 of Chapter 502 (Intoxicating Liquors), to all laws, ordinances and restrictions applicable thereto, and to the express restriction that only club members of the private club holding a license, and their bona fide guests of such members, may be served or sold intoxicating liquor thereunder, which shall act as continuous restrictions upon any such license.

505.08. Insurance. Every applicant and license holder under this Chapter must comply with the insurance requirements of Section 13 of Chapter 502 (Intoxicating Liquors).

505.089. Suspension or Revocation. The City Council may suspend or revoke any license issued hereunder in accordance with the provisions of Section 501.09 of this Code.

505.10. Duration and Renewal of License. All licenses issued under this Chapter shall expire on April 30th of each year. If an application is made during a license year, such a license may be issued for the remainder of the license year for a prorated fee, with any unexpired fraction of a month being counted as one month. Application for renewal of an existing license shall be made at least forty-five (45) days prior to expiration of the license, and it shall be made in such a form as provided by the City Manager, which shall contain some or all of the information listed in Section 502.07 that the City Manager deems relevant to evaluating the renewal request. The licensee also shall submit the appropriate license fee(s) and an investigation fee as established by resolution, which shall be for investigation and verification of all information contained in the application form. The decision whether or not to renew a license rests within the discretion of the City Council. No licensee has a right to have the license renewed.

505.11. Adoption of State Law by Reference. The provisions of Minn. Stat. Ch. 340A as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of wine are hereby adopted by reference and are made a part of this Chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minn. Stat. Ch. 340A and the provisions of this chapter, the more restrictive governs unless state expressly controls.

Section 5. Effective Date

3.1 This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 14th day of January, 2014.

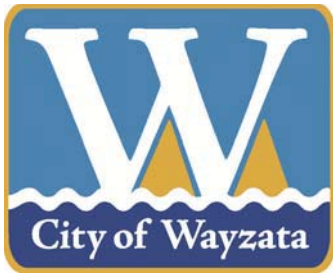
Ken Willcox
Mayor

ATTEST:

Heidi Nelson
City Manager

First Reading: January 7, 2014
Second Reading:
Publication:

000043/204032/1705054_4



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Jack Amdal
Bridget Anderson
Andrew Mullin
Tom Tanner

City Manager:
Heidi Nelson

TO: Mayor Willcox and Councilmembers
Heidi Nelson, City Manager

FROM: Kathy Ovshak, Finance Manager

DATE: January 15, 2014

RE: Fire Protection Service Agreements

Attached for your approval are the Fire Protection Service Agreements between the cities of Orono and Woodland. Both Orono and Woodland are in full agreement with the 2014 contracts and have returned signed copies of said agreements. Contract amounts are calculated based on the percentage of calls for the previous 3 years. Orono's contract amount went from \$34,979 in 2013 to \$33,076 for 2014. Woodland's contract amount went from \$20,429 in 2013 to \$21,075 for 2014.

FIRE PROTECTION AGREEMENT
CITY OF WOODLAND

THIS AGREEMENT, made and entered into this ____ day of _____, 2014, by and between the CITY OF WAYZATA, a Minnesota municipal corporation, hereinafter referred to as "Wayzata", and the CITY OF WOODLAND, a Minnesota municipal corporation, hereinafter referred to as "WOODLAND":

WITNESSETH:

WHEREAS, Wayzata maintains a volunteer fire department; and

WHEREAS, Woodland does not maintain a fire department and desires to purchase fire protection from Wayzata;

NOW, THEREFORE, in consideration of the covenants herein contained, the parties hereto agree as follows:

1. Services to be Rendered. During the term of this agreement, Wayzata shall furnish fire fighting services to the City of Woodland such services shall be substantially the same in extent and quality as those rendered by Wayzata within its own corporate limits and shall utilize the equipment and personnel of Wayzata.

2. Term. Wayzata undertakes to provide such services during the period beginning midnight, January 1, 2014 and expiring at one minute before midnight December 31, 2014, unless extended in accordance with the provisions hereof.

3. Compensation. Woodland agrees to pay to Wayzata and Wayzata agrees to accept as payment for services rendered an annual charge based upon the percentage of calls in Woodland for the preceding three-year period, calculated against the Wayzata Fire Department's operating budget for the contract year.

4. Command Responsibility. The Fire Chief of Wayzata or his deputy shall have the sole and exclusive right and responsibility to prescribe the manner and method of giving the alarm for fire within Woodland, and to prescribe the manner and method of responding to calls and rendering the services contemplated. The said Fire Chief or his deputy shall immediately upon arriving at the scene of any alarm or fire emergency have the sole and exclusive responsibility and authority to direct and control any and all firefighting and emergency operations at such scene or scenes, including the direction of police officers at the scene with respect to traffic control, protection of citizens and other incidents of the emergency.

5. Woodland Not Responsible for Expenses. All expenses of maintaining Wayzata's equipment, apparatus, salaries, insurance premium and any and all other items of expenses connected with the services to be performed by Wayzata under this agreement shall be at the sole expense of Wayzata, and the sole amounts payable from Woodland to Wayzata shall be the amount specified above in paragraph 3.

6. Nature of Wayzata's Undertaking. In no event shall this agreement be construed to fix upon Wayzata any responsibility or liability to Woodland or to third parties which are greater or different in kind than the responsibilities and liabilities borne by Woodland if it were providing such services through its own fire department. Without limiting the generality of the foregoing, the Fire Chief of Wayzata or his deputy will have the sole discretion as to the firefighters and equipment that will answer each alarm, provided that protection will be reasonable considering available firefighters and equipment, and it shall not be a violation of this agreement nor shall Wayzata be held responsible to Woodland or to a third party for any loss which may result in the event Wayzata, in the exercise of reasonable judgment, and absent Wayzata's gross negligence, is unable to respond or to respond promptly or to respond with only limited firefighters and equipment, or is delayed in responding to a call by reason of answering a previous call. Woodland agrees that it will indemnify Wayzata for any judgment rendered against Wayzata or sums paid out by it in settlement, payment or defense of any such claims arising from and relating solely to such claims of improper or inadequate response to calls.

7. Extension. This agreement may be extended for successive terms of one year upon the mutual written assent of both parties entered into prior to the expiration of the then current term.

8. Further Undertakings by Wayzata. Wayzata agrees that it will indemnify Woodland for any judgment rendered against Woodland or sums paid out by it in settlement, payment or defense of any claims arising from or relating to personal injury, property damage or death caused by grossly negligent or intentional acts of Wayzata committed in the course of Wayzata's providing fire services to Woodland. Wayzata agrees to maintain insurance covering its possible exposure to liability under this paragraph 8 in amount and types of coverage described in the Appendix to this agreement.

9. Agents and Employees. No voluntary fire fighter, agent, employee or official of Wayzata shall at any time or in any manner be deemed to be a voluntary fire fighter, agent, employee or official of Woodland by reason of the performance of work or the providing of services for or on behalf of, or within the territorial limits of, the City of Woodland.

10. Assignment. This Agreement may not be assigned by either party hereto without the other's prior written consent.

11. Amendment. This Agreement embodies the entire agreement between Woodland and Wayzata with respect to the subject matter hereof, and all prior discussions, negotiations and agreements are merged herein. This Agreement may be amended or modified only by an agreement in writing by the City Councils of both Cities and executed on behalf of both Cities.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

CITY OF WOODLAND

ATTEST: _____
City Clerk

Mayor

CITY OF WAYZATA

ATTEST: _____
City Manager

Mayor

FIRE PROTECTION AGREEMENT
CITY OF ORONO

THIS AGREEMENT, made and entered into this ____ day of _____, 2014, by and between the CITY OF WAYZATA, a Minnesota municipal corporation, hereinafter referred to as "Wayzata", and the CITY OF ORONO, a Minnesota municipal corporation, hereinafter referred to as "Orono":

WITNESSETH:

WHEREAS, Wayzata maintains a volunteer fire department; and

WHEREAS, Orono does not maintain a fire department and desires to purchase fire protection from Wayzata;

NOW, THEREFORE, in consideration of the covenants herein contained, the parties hereto agree as follows:

1. Services to be Rendered. During the term of this agreement, Wayzata shall furnish fire fighting services to that portion of Orono shown on the attached Exhibit A. Such services shall be substantially the same in extent and quality as those rendered by Wayzata within its own corporate limits and shall utilize the equipment and personnel of Wayzata.

2. Term. Wayzata undertakes to provide such services during the period beginning midnight, January 1, 2014 and expiring at one minute before midnight December 31, 2014, unless extended in accordance with the provisions hereof.

3. Compensation. Orono agrees to pay to Wayzata and Wayzata agrees to accept as payment for services rendered an annual charge based upon the percentage of calls in Orono for the preceding three-year period, calculated against the Wayzata Fire Department's operating budget for the contract year.

4. Command Responsibility. The Fire Chief of Wayzata or his deputy shall have the sole and exclusive right and responsibility to prescribe the manner and method of giving the alarm for fire within Orono, and to prescribe the manner and method of responding to calls and rendering the services contemplated. The said Fire Chief or his deputy shall immediately upon arriving at the scene of any alarm or fire emergency have the sole and exclusive responsibility and authority to direct and control any and all firefighting and emergency operations at such scene or scenes, including the direction of police officers at the scene with respect to traffic control, protection of citizens and other incidents of the emergency.

5. Orono Not Responsible for Expenses. All expenses of maintaining Wayzata's equipment, apparatus, salaries, insurance premium and any and all other items of expenses connected with the services to be performed by Wayzata under this agreement shall be at the sole expense of Wayzata, and the sole amounts payable from Orono to Wayzata shall be the amount specified above in paragraph 3.

6. Nature of Wayzata's Undertaking. Without limiting the generality of the foregoing, the Fire Chief of Wayzata or his deputy will have the sole discretion as to the firefighters and equipment that will answer each alarm, provided that protection will be reasonable considering available firefighters and equipment, as outlined in paragraph 4. Wayzata will exercise reasonable judgment in whether it is unable to respond or to respond promptly or to respond with only limited firefighters and equipment, or is delayed in responding to a call by reason of answering a previous call.

7. Extension. This agreement may be extended for successive terms of one year upon the mutual written assent of both parties entered into prior to the expiration of the then current term.

8. Insurance. Wayzata agrees to maintain liability insurance for its services and shall include Orono as an additional insured for the term of this contract and any extensions thereof. Wayzata shall maintain insurance equal to or greater than the maximum liability applicable to municipalities as set forth in Minnesota Statutes, Section 466.04, subd.1. Wayzata shall also maintain workers' compensation coverage as required by law. Proof of insurance shall be provided in the Appendix to this agreement

9. Indemnification. Wayzata agrees to defend and indemnify Orono against any claims brought or actions filed against Orono or any officer, employee, or volunteer of Orono for injury to, death of, or damage to the property of any third person or persons, arising from Wayzata's performance under this contract for services. Under no circumstances shall Wayzata be required to pay on behalf of itself and Orono, any amounts in excess of the limits on liability established in Minnesota Statutes, chapter 466 applicable to any one party. The limits of liability for Orono and Wayzata may not be added together to determine the maximum amount of liability for Wayzata.

10. Agents and Employees. No voluntary fire fighter, agent, employee or official of Wayzata shall at any time or in any manner be deemed to be a voluntary fire fighter, agent, employee or official of Orono by reason of the performance of work or the providing of services for or on behalf of, or within the territorial limits of, the City of Orono.

11. Assignment. This Agreement may not be assigned by either party hereto without the other's prior written consent.

12. Amendment. This Agreement embodies the entire agreement between Orono and Wayzata with respect to the subject matter hereof, and all prior discussions, negotiations and agreements are merged herein. This Agreement may be amended or modified only by an agreement in writing by the City Councils of both Cities and executed on behalf of both Cities.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

CITY OF ORONO

ATTEST: _____
City Administrator

Mayor

CITY OF WAYZATA

ATTEST: _____
City Manager

Mayor



Hennepin County Memo

To: Becky Malone, Wayzata City Clerk

From: LuAnn Hagen, Assistant County Assessor

Date: January 3, 2014

Re: 2014 Local Board of Appeal and Equalization

Tuesday
Day of the Week

April 1, 2014
Date

Minnesota Statute 274.01, Subdivision 1, requires that the County Assessor set the date for your local board of appeal and equalization meeting. We are proposing the date referenced above based upon last year's meeting date.

In the confirmation area of this form, please note the date, time and place for your meeting, and send the information to JoDee Schinkel, A-2103 Government Center, Minneapolis, MN 55487, or fax it to our office at (612) 348-8751, or via email to jodee.schinkel@co.hennepin.mn.us. If you wish to request a date change, please call JoDee at 612-348-8155.

Responding by the 24th allows for timely preparation of valuation notices sent to property owners and taxpayers. Upon receipt of the confirmation below, we will send the official "notice for posting" as required by law.

Please, also, use this form to report the city's current mayor and council members. If you have any questions, please call JoDee at the number above, or me at 612-348-8444.

CONFIRMATION

City: _____ Mayor: _____

Date: _____ Council _____

Time: _____ Council _____

Place: _____ Council _____

Council _____

Council _____

Clerk/Administrator signature:

1/21/2014
THE FOLLOWING MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

2014 Gas Fitters License	
Centerpoint Energy	Coon Rapids, MN
High Road Heating & Cooling	Rockford, MN
Horowitz Inc	New Hope, MN
Pro Mech LLC	Champlin, MN
Pronto Heating & A/C	Eden Prairie, MN
2014 Tree Removal and Treatment License	
Aaspen Tree Service	Wayzata, MN
Ryan's Tree Care	Wayzata, MN
Schmidt's 4 Season Service Inc	Excelsior, MN
Treecare, Inc.	Shorewood, MN
Vineland Tree Care	Minneapolis, MN
Western Tree Service	Paynesville, MN
Special Event/Itinerant Food - Wayzata Chilly Open - 2/8/14	
Wayzata Chamber of Commerce	Wayzata, MN

WAYZATA POLICE DEPARTMENT

ACTIVITY REPORT

DECEMBER, 2013

Theft of Services

Reported: 12-26-2013 1925

No pay for food ordered and consumed at restaurant / loss \$32 / suspects identified and under investigation.

Addresses Involved

844 Lake Street , Wayzata

Stolen Vehicle

Reported: 12-23-2013 1058

2014 Lexus valued at \$90,000 picked up by car carrier to be delivered to CA. Vehicle whereabouts unknown, main company has no record of having picked up vehicle. Under investigation.

Addresses Involved

16100 Wayzata Blvd , Wayzata

Theft

Reported: 12-22-2013 2003

Theft of cellular telephone from employee break room area/ loss \$500 / under investigation

Addresses Involved

163 Wayzata Blvd W, Wayzata

Burglary

Reported: 12-20-2013 1723

Forced entry burglary of residential home / loss to be determined / under investigation

Addresses Involved

1885 Watertown Rd , Long Lake

Male from Plymouth stopped for driving without headlights. Officer detected strong odor of marijuana coming from vehicle. Driver cited for small amount of marijuana in motor vehicle and for possession of drug paraphernalia.

WAYZATA BLVD E & Superior Blvd , Wayzata

Male, 45 yr old from Deephaven, arrested for 4th degree DWI after officers called to the scene of a rear-end property damage accident. Tested .19.

Bushaway Rd & Eastman , Wayzata

Theft of wallet from purse while owner shopping at grocery store. Credit cards were later used at WalMart and Target. Under investigation

1151 Wayzata Blvd E, Wayzata

43 yr old female from Waverly arrested for 2nd degree Test Refusal, 3rd degree driving under the influence of alcohol, and careless driving, after she was observed by another driver and the officer swerving in roadway.

Baker Park Rd & Hwy 12 , Maple Plain

Road rage type incident in which driver of one vehicle threw a beer bottle at another car. Unable to locate suspect due to wrong license plate given.

Ferndale Rd N & Wayzata E, Wayzata

No Pay **Reported:** 12-03-2013 0007

No Pay for gas / loss \$52

Addresses Involved

1325 Wayzata Blvd E, Wayzata

TRAFFIC - DECEMBER, 2013

CITATIONS	54
WRITTEN WARNINGS	14
VERBAL WARNINGS	42

MISSING ANIMAL	3
MISSING/LOST PROPERTY	5
FOUND ANIMAL	2
FOUND PROPERTY	2
RECOVERED STOLEN PROPERTY	1
PIMV	3
PDMV	30
Other Fire/Smoke	3
FIRE ALARM	9
GENERAL HAZARD	1
HAZ ROAD CONDITION	4
SUDDEN DEATH	2
OTHER MEDICAL	37
Medical Alarm	1
72 Hour Hold/Emergency Admission	2
WELFARE CHECK - ADULT	1
MENTAL HEALTH ISSUE	7
INFO REC'D	11
VERBAL DOMESTIC	3
CIVIL MATTER	8
TRESPASSING WARNING GIVEN	5
DISTURBANCE/FIGHT/LOUD PARTY	12
SUSPICION	14
OPEN DOOR/WINDOW	1
RV/SNOWMOBILE COMPLAINT	1
DRIVING/TRAFFIC COMPLAINT	17
PARKING COMPL	5
RECORD CHECKS	14
FIREARM PERMIT	4
HC SHERIFFS PERMIT TO CARRY	1
LIQUOR LICENSE CHECKS/PERMIT	1
SOLICITATION	2

SOLICITATION - Verbal Warning	1
ANIMAL COMPLAINT/CHECK	5
DOG LICENSE ISSUED	33
KENNEL APP/LICENSE	2
PATROL REQUEST	2
FINGERPRINTS	7
ASSIST CHILD PROTECTION	2
MOTORIST ASSIST/STALL	44
UTILITY PROBLEM	3
PUBLIC ASSIST	21
LOCKOUT	9
BUSINESS ALARM	18
CO ALARM	1
HOME ALARM	13
911 HANG-UP	2
ASSIST OTHER DEPT	13
WARRANT/ATTEMPT/ARREST	1
CASE FOLLOW UP	1
VEHICLE FORFEITURE/IMPOUND	1
Sex Offender/POR Info/Checks	1
BURG 1-UNOCC RES FRC-D-UNK WEAP-COM THEFT	1
FORGERY-FE-OTHER ACT-CHECK-PERSON	1
DRUGS-SM AMT IN MOT VEH-POSS-MARIJ-NOT APP	1
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	1
TRAFFIC-GM-OTHER-MV	1
ACCIDENT-MS-FAIL STOP-DRVR CAUSED-UNK INJ-MV	1
TRAF-AC-GM-2ND DEG DWI-REFUSAL TO TEST-MV	1
TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	1
TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	1
PROP DAMAGE-MS-PRIVATE-OTHER INTENT	1
THEFT-500 OR LESS MS-BLDG-OTH PROP	2
THEFT-500 OR LESS MS-SELF SERVE GAS-GAS ONLY	1
FRAUD-FE-FIN-TRAN-CARD-NO CONSENT 501-2500	2
THEFT-FE-AUTO-MORE THAN 2500	1

BUILDING CONSTRUCTION

	2008	2009	2010	2011	2012	2013	Average 10 yrs
NUMBER OF BLDG. PERMITS	123	89	98	136	130	180	159
PROJECT VALUE	25,216,315.79	8,549,354.50	16,253,901.00	17,502,681.99	96,042,207.60	86,541,995.07	34,611,411.44
BUILDING PERMIT FEE	170,220.22	60,967.90	102,548.50	129,836.75	450,559.14	450,148.65	203,459.56
PLAN CHECK FEE	85,497.33	31,697.38	61,842.05	77,189.59	261,987.39	263,643.54	114,750.47
STATE SURCHARGE	10,970.68	4,185.41	7,338.14	8,485.69	18,685.67	24,636.85	12,104.91
MCES SAC FEE	20,075.00	16,000.00	71,300.00	20,070.00	271,975.00	379,860.00	80,191.36
CITY SAC	4,800.00	4,200.00	2,745.00	5,175.00	67,850.00	92,040.00	18,570.55
CITY WAC	18,260.00	14,280.00	11,160.00	17,415.00	227,010.00	303,996.00	63,816.82
FEES FROM BLDG. PERMITS	255,717.55	92,665.28	164,390.55	207,026.34	712,546.53	713,792.19	318,210.02

EXTERIOR REPAIR

NUMBER OF PERMITS	91	82	65	67	92	54	70
PROJECT VALUE	1,752,003.35	1,397,374.00	947,726.03	810,715.91	1,447,782.00	803,851.01	1,064,010.97
PERMIT FEE	26,378.12	22,162.23	15,477.50	14,203.75	21,298.96	12,737.00	17,030.79
STATE SURCHARGE	884.13	701.72	473.90	405.54	724.37	402.17	533.77
FEES FROM EXTERIOR PERMITS	26,378.12	22,162.23	15,477.50	14,203.75	21,298.96	12,737.00	17,030.79

MECHANICAL

NUMBER OF PERMITS	124	115	108	127	120	154	130
PROJECT VALUE	1,340,682.40	1,138,435.00	1,342,262.00	4,479,374.00	3,087,534.32	4,245,740.00	2,169,213.27
PERMIT FEE	27,694.60	19,883.55	24,730.59	73,015.04	52,434.06	70,487.99	38,646.40
STATE SURCHARGE	673.75	571.68	673.63	1,872.37	1,546.92	2,125.43	1,053.53
FEES FROM MECH. PERMITS	27,694.60	19,883.55	24,730.59	73,015.04	52,434.06	70,487.99	38,646.40

PLUMBING

NUMBER OF PERMITS	95	87	73	108	183	166	120
PROJECT VALUE	967,662.32	539,157.00	504,132.00	604,153.00	1,838,744.75	1,041,197.50	930,359.56
PERMIT FEE	19,671.80	10,348.98	10,362.49	13,065.64	35,180.86	21,005.93	17,478.25
STATE SURCHARGE	494.44	280.12	261.49	314.19	957.68	538.93	439.81
FEES FROM PLUMB PERMITS	19,671.80	10,348.98	10,362.59	13,065.64	35,180.86	21,005.93	17,478.26

TOTAL NUMBER OF PERMITS

433	373	344	438	525	554	460
329,462.07	145,060.04	214,961.23	307,310.77	821,460.41	818,023.11	386,720.71

TOTAL FEES OF ALL CONSTRUCTION PERMITS

FENCE PERMITS

	2008	2009	2010	2011	2012	2013	Average 10 yrs
NUMBER OF PERMITS	4	8	6	13	6	9	8
PERMIT FEE	220.00	480.00	385.00	840.00	432.00	648.00	500.83

SIGN PERMITS

NUMBER OF PERMITS	14	15	16	22	16	24	18
COMMERCIAL SIGN - PERMANENT	2,060.00	1,360.00	2,405.00	3,510.00	2,292.00	929.04	2,092.67
COMMERCIAL SIGN - TEMPORARY	40.00	270.00	50.00	165.00	228.00	342.00	182.50
FEE FROM SIGN PERMITS	2,100.00	1,630.00	2,455.00	3,675.00	2,520.00	1,271.04	2,275.17

UTILITY PERMITS

NUMBER OF PERMITS	16	22	22	26	76	42	34
PERMIT FEE	24,565.00	3,060.00	3,135.00	3,480.00	11,012.50	6,936.00	8,698.08

WATER METERS

NUMBER OF PERMITS	23	20	18	19	37	24	24
METER FEE	16,615.26	11,226.00	11,620.00	10,216.20	18,701.00	30,933.80	16,552.04

PERMIT BREAKDOWN

RESIDENTIAL ACCESSORY/GARAGE	8	3	1	1	3	0	5
RESIDENTIAL NEW	10	5	8	13	13	23	11
RESIDENTIAL ADDITIONS	7	5	9	13	13	8	15
RESIDENTIAL DEMOLITION	5	8	6	7	6	12	8
RESIDENTIAL REMODEL/ALT	123	109	85	103	127	107	102
RESIDENTIAL MOVED BLDGS	1	0	0	0	0	0	0
RESIDENTIAL PERMIT TOTAL	154	130	113	137	163	150	142

COMMERCIAL NEW	2	1	1	0	3	2	2
COMMERCIAL ADDITIONS	0	0	0	0	1	2	1
COMMERCIAL REMODEL/ALT	57	40	48	66	52	79	63
COMMERCIAL DEMOLITION	0	0	1	0	3	1	1
COMMERCIAL PERMIT TOTAL	59	41	50	66	59	84	67

NUMBER OF INSPECTIONS

BUILDING	569	463	421	592	666	629	600
EXTERIOR	170	205	129	132	192	73	127
PLUMBING	198	201	159	191	253	316	208
HVAC	277	264	223	230	282	290	247
OTHER	47	56	51	45	78	12	42
TOTAL NUMBER OF INSPECTIONS	1261	1189	983	1190	1471	1320	1213

CITY OF WAYZATA



PLANNING DEPARTMENT

MEMORANDUM

To: City Council
From: Bryan Gadow, City Planner
Date: January 16, 2014
Re: Anchor Bank/Walgreens Project

Last July, Semper Development submitted a multi-component application for the redevelopment of the existing Anchor Bank site to construct a new smaller Anchor Bank facility on the NE corner, a new Walgreens building, and three single family residential lots on the properties at 1055 Wayzata Blvd, 141 and 155 Central Ave N.

The Council reviewed the project in a workshop on November 6th, and formally on November 19th, where they continued review of the Application to request additional Applicant work on the design of the Walgreens and Anchor Bank buildings. The City Council held a workshop on January 7th to review the revised design of the two structures. Based on the feedback received at that workshop, the Applicant has further revised the proposed designs. A copy of the revised drawings and plan set is attached.

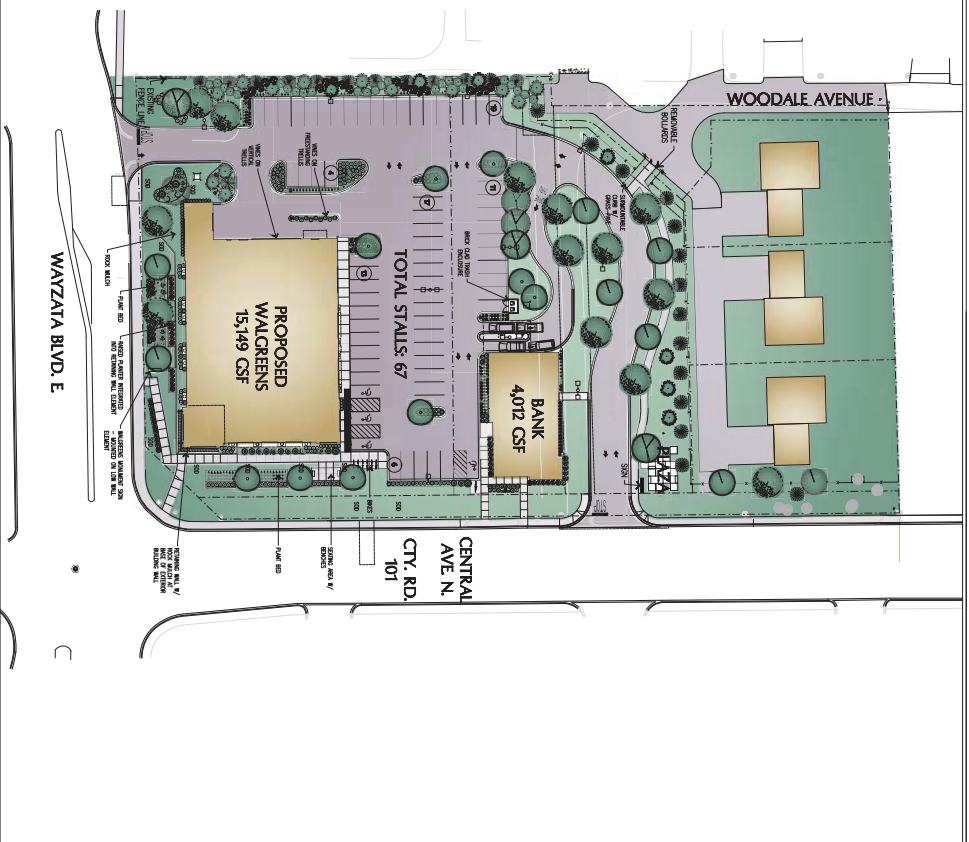
The Project requires a public hearing on the requested vacations of Elm Lane and associated, which was noticed for January 21st. However, as one Council member will be absent from the meeting on January 21st, the Council should postpone any formal vote on the vacation requests until a full Council is present. The Council can act on any of the other components of the Application on January 21st if it so chooses. A draft resolution based upon the comments from the Council and from the public hearing on November 19th is included in your packet. This includes condition language suggested by the Council and residents at the public hearing.

A separate background packet containing all of the information on the project to date was previously provided to the Council in November of 2013.

Attachments

- Revised Applicant Submittals
- Staff Design Critique
- Resident Email from November 17, 2013
- City Council Minutes from November 19, 2013
- Draft Resolution 05-2014

PROJECT SITE GRAPHIC

[illegible]

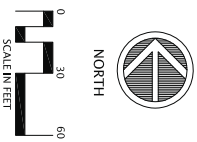
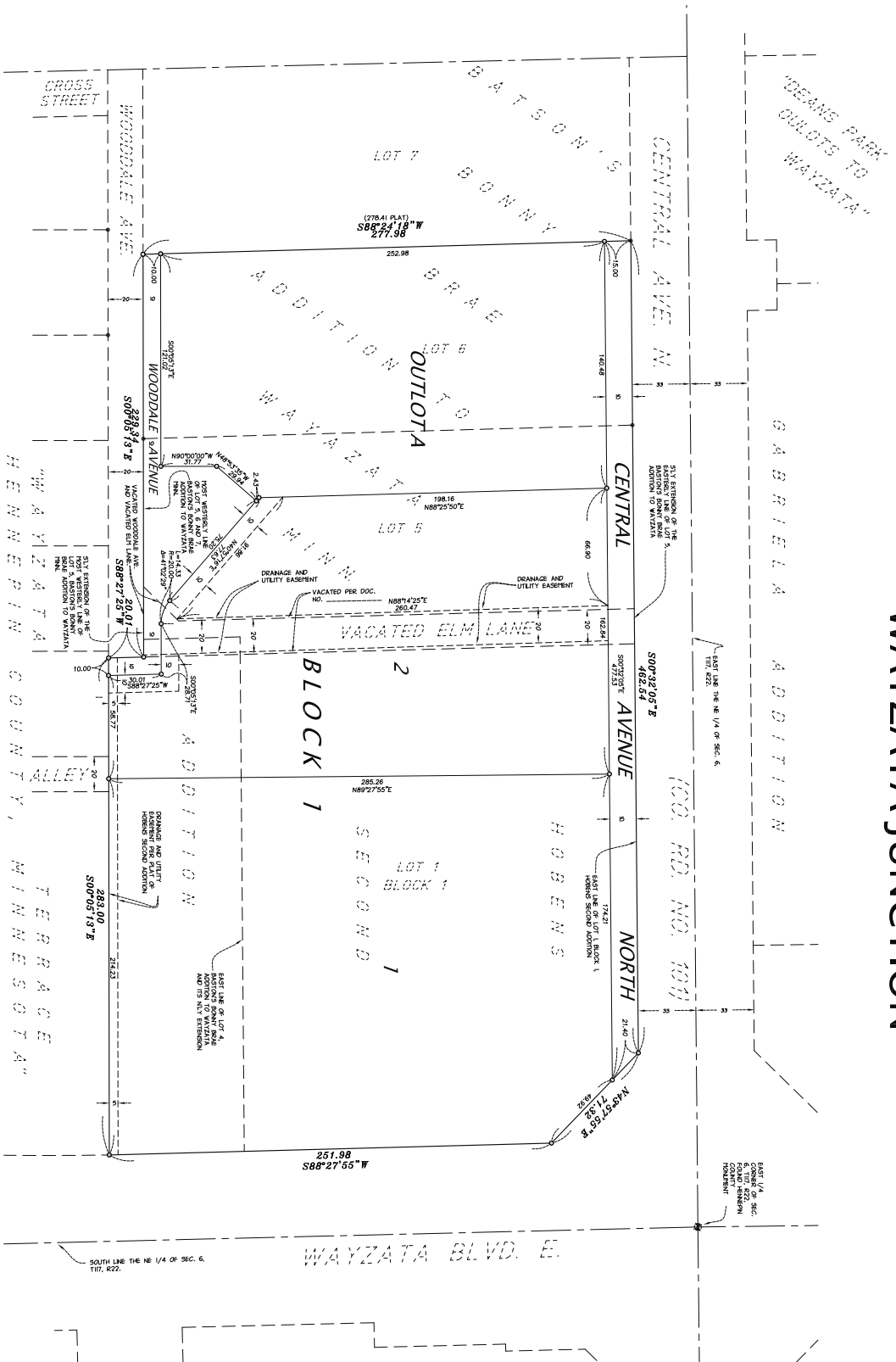
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CC_01_2014
Page 54 of 222

WAYZATA JUNCTION

R.T. DOC. NO.
C.R. DOC. NO.

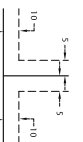
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Page 55 of 222



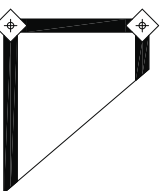
BEARINGS SHOWN ARE ORIENTED TO THE EAST ADDITION WHICH IS ASSUMED TO BEAR SOUTH 00 DEGREES 33 MINUTES 55 SECONDS EAST.

(PLANT)
• BEARINGS SHOWN UNLESS NOTED BY A NOTE OR EASMENT ON THE PLAT OF HOBENS SECOND ADDITION.
• (UNMARKED) UNLESS NOTED.
• BEARINGS 1/2 INCH BY 1/4 INCH MONUMENT SET AND MARKED AS 3/2711.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN AS THIS:
(NO SCALE)



BEARINGS, FEET IN LENGTH AND ANGLE, LOT LINES, UNLESS OTHERWISE INDICATED, ADJOINING RIGHT OR WAY LINES UNLESS OTHERWISE INDICATED AS SHOWN ON THE PLAT.



CORNERSTONE
LAND SURVEYING, INC.
SHEET 2 OF 2 SHEETS

GENERAL NOTES:

- A. TOPOGRAPHIC BOUNDARY SURVEY: AN EXISTING PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE TOPOGRAPHY WITH SPOT ELEVATIONS, EXISTING PHYSICAL FEATURES AND EXISTING STRUCTURE ARE SHOWN ON THE FOLLOWING COMPANY, AS A CONFORMANCE TO THE SELF-OWNER.
- CORRECTION: LAND SURVEYING, INC.
SLATE # 0650 STILLWATER BLVD., N.
SUITE 100
PHASE 2
PHONE 601.275.8969
FAX 601.275.8976
DAN@CSURVEY.NET

- B. ALL PHASE OF SITE WORK FOR THIS PROJECT SHALL MEET OR EXCEED THE MINIMUM DEVELOPER SITE WORK SPECIFICATIONS.
- C. EXISTING STRUCTURES, RELATED UTILITIES, PAVING, UNDERGROUND STORAGE TANKS, AND EXISTING IMPROVEMENTS TO REMAIN: SEE SITE WORK SPECIFICATIONS.
- D. CONTRACTOR IS TO REMOVE AND DISPOSE OF ALL GARBAGE, RUBBISH AND OTHER MATERIALS RESULTING FROM PREVIOUS AND CURRENT DEMOLITION AND/OR REPAIR, RECONSTRUCTION REGARDING SOIL REMEDIATION.
- E. THE GENERAL CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR AND TO MAINTAIN PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT.

- THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN, FOUNDATIONS AND USES INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER THE ENGINEER NOR HIS PERSONNEL CAN OR DO MARSHANT THESE DESIGNS OR PLANS AS CONSTRUCTED EXCEPT IN THE SPECIFIC CASES WHERE THE ENGINEER INSPECTS AND CONTROLS THE PHYSICAL CONSTRUCTION ON A CONTINUING BASIS AT THE SITE.

- IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. ANY CONSTRUCTION OBSERVATION BY THE ENGINEER OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES, IN, ON OR NEAR THE CONSTRUCTION SITE.

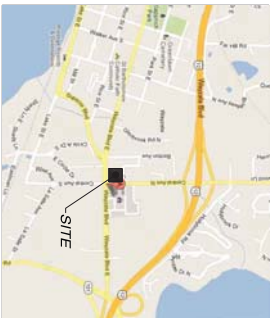
- ALL CONSTRUCTION IN STATE HIGHWAY DEPARTMENT RIGHT-OF-WAY SHALL BE COORDINATED WITH THE HIGHWAY DEPARTMENT RESIDENT MAINTENANCE DIVISION.

FLOOD CERTIFICATION:

BY GRAPHIC PLOTTING ONLY. THIS PROPERTY LIES IN AN AREA THAT IS
DEFINED BY ZONE X FOR COMMUNITY PANEL NO. 27025C0375D. WITH AN
EFFECTIVE DATE OF APRIL 17TH, 2012.

PLAN INDEX:

ASSOCIATED INDEX:



Vicinity Map
NOT TO SCALE

C-001	COVER SHEET
C-050	DEMOLITION PLAN
C-000	SITE PLAN
C-000A	PHASED SITE PLAN
C-020	GRADING PLAN
C-030	UTILITY PLAN
C-040	EROSION CONTROL PLAN
C-050	WALL/RETAINING DETAIL SHEET
C-060	CEI DETAIL SHEET
C-050	CEI DETAIL SHEET 2
C-000	LANDSCAPE PLAN

*Engineering
Associates, Inc.*

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS
2025 CENTRE POINTE BLVD., SUITE 210
MENOMOTA HEIGHTS, MN 55120
(651) 552-8961
FAX (651) 552-1145

ARKANSAS * CALIFORNIA * GEORGIA * MINNESOTA * PENNSYLVANIA * TEXAS

APPROVED	DATE
----------	------

RESOURCE LIST:

PLANNING DIVISION
CITY OF WAZATTA, PLANNING DEPARTMENT
600 RICE STREET EAST
WAZATTA, MN 55391
PH: (952) 406-5312
FAX: (952) 406-5318

FIRE DEPARTMENT
WAZATTA VOLUNTEER FIRE DEPARTMENT
600 RICE STREET EAST
WAZATTA, MN 55391
PH: (952) 406-5337
FAX: (952) 406-5336

GRANDON GARDEN, CITY PLANNER

FAX: (952) 494-9417
JIM EBENSTEINER

WATER AND SEWER
CITY OF WAYZATA PUBLIC
WORKS
299 W. WAYZATA BLVD
WAYZATA, MN 55391
PH: (952) 404-5360
FAX: (952) 494-9417
JIM EBENSTEINER

CIVIL CONSULTANT:

CET ENGINEERING ASSOCIATES INC.,
2025 CENTRE POINTE BLVD., SUITE 200
MENDOTA A HEIGHTS, MN 55122
PHONE: (651) 452-8960
FAX: (651) 452-1149
MR. ALAN CATCHPOOL, P.E.

(WALGREENS) ARCHITECT

CARBURAS & THEODORE LTD
245A, E. DEMPSTER STREET
DES PLAINES, IL 60016
PHONE: (847) 298-1525
FAX: (847) 390-1525
MR. JOHN BRADSHAW, AIA

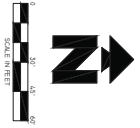
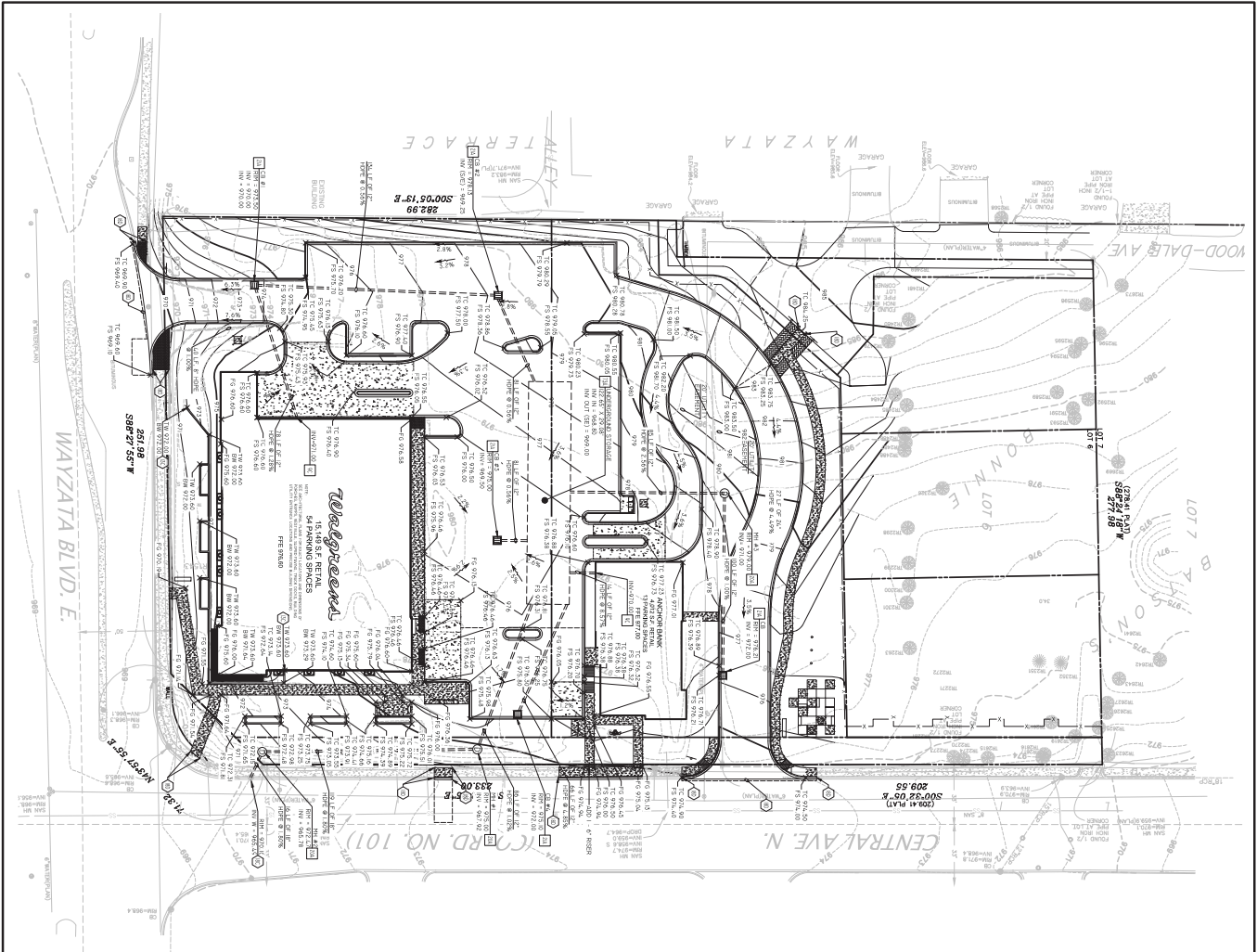
(ANCHOR) ARCHITECT

MCHAMEN HANSEN ARCHITECTURAL GROUP
100 TWELVE OAKS CENTER DRIVE, SUITE 200
WATZATA, MN 55391
PHONE: (952) 426-7400
FAX: (952) 426-7440
CONTACT: STEVE OLIVER

REV#	DATE	BY	REVISIONS
REV-5	1/15/14	11.C	CITY REVIEW COMMENTS
REV-4	11/15/13	11.C	CITY REVIEW COMMENTS
REV-3	10/7/13	11.C	CITY REVIEW COMMENTS
REV-2	08/08/13	11.C	RESUBMITTAL TO CITY
REV-1	07-12-13	11.C	PER INITIAL CITY COMMENTS

COVER SHEET	
CADD PLOT:	FUTURE STORE ☐
DRAWN BY: L. COOPER	WALGREENS
DATE: 1/13/14	1055 WAYZATA BOULEVARD EAST
REVIEWED: A. CATCHPOOL	WAYZATA, MN 55391





SITE DESCRIPTION #1
THE PROJECT IS LOCATED ON PROPERTY LINE TOP MAP 91A.

LEGEND

- EXISTING
 - EXISTING BUILDING FOOTPRINT
 - EXISTING DRIVEWAY
 - EXISTING SIDEWALK
 - EXISTING UTILITY LINE
 - EXISTING CONCRETE
 - EXISTING TREES
- PROPOSED
 - PROPOSED BUILDING FOOTPRINT
 - PROPOSED DRIVEWAY
 - PROPOSED SIDEWALK
 - PROPOSED UTILITY LINE
 - PROPOSED CONCRETE
 - PROPOSED TREES

- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- UNDERGROUND SANITARY LINE
- UNDERGROUND SEWER LINE
- UNDERGROUND DRAINAGE LINE
- UNDERGROUND CULVERT
- UNDERGROUND TRENCH
- UNDERGROUND CONCRETE
- UNDERGROUND TIE

GENERAL GRADING NOTES

1. THE GRADING SHALL BE BASED ON THE EXISTING GRADE AND THE PROPOSED GRADE SHALL BE SHOWN BY THE DOTTED LINE.

2. ALL GRADES ARE BASED ON THE EXISTING GRADE AND THE PROPOSED GRADE SHALL BE SHOWN BY THE DOTTED LINE.

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- 5. ALL GRADES ARE BASED ON THE EXISTING GRADE AND THE PROPOSED GRADE SHALL BE SHOWN BY THE DOTTED LINE.

GRADING DETAILS

- 1. THE GRADING SHALL BE BASED ON THE EXISTING GRADE AND THE PROPOSED GRADE SHALL BE SHOWN BY THE DOTTED LINE.
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NO.	DATE	BY	REVISIONS
1	12/15/14	CC	INITIAL CITY COMMENTS
2	12/15/14	CC	INITIAL CITY COMMENTS
3	12/15/14	CC	INITIAL CITY COMMENTS
4	12/15/14	CC	INITIAL CITY COMMENTS
5	12/15/14	CC	INITIAL CITY COMMENTS
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7	12/15/14	CC	INITIAL CITY COMMENTS
8	12/15/14	CC	INITIAL CITY COMMENTS
9	12/15/14	CC	INITIAL CITY COMMENTS
10	12/15/14	CC	INITIAL CITY COMMENTS

NO.	DATE	BY	REVISIONS
1	12/15/14	CC	INITIAL CITY COMMENTS
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NO.	DATE	BY	REVISIONS
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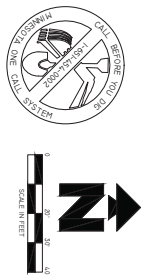
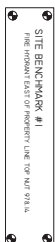
CEI Engineering Associates, Inc.
ENGINEERS, PLANNERS, ARCHITECTS & ENVIRONMENTAL SCIENTISTS
2025 CENTRE POINT BLVD., SUITE 200
MINNETONKA, MN 55345
REV-5

CC 01212014
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PRELIMINARY
NOT FOR
CONSTRUCTION

NO.	DATE	BY	REVISIONS
1	12/15/14	CC	INITIAL CITY COMMENTS
2	12/15/14	CC	INITIAL CITY COMMENTS
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5	12/15/14	CC	INITIAL CITY COMMENTS
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7	12/15/14	CC	INITIAL CITY COMMENTS
8	12/15/14	CC	INITIAL CITY COMMENTS
9	12/15/14	CC	INITIAL CITY COMMENTS
10	12/15/14	CC	INITIAL CITY COMMENTS





EXISTING	
IDENTITY FOLD NONVENT	OVERHEAD ELECTRIC LINE
DENSITY SET NONVENT	UNDERGROUND ELECTRIC LINE
WATER VALVES	TELEPHONE LINE
MODIST	WATER LINE
CATCH BASIN/STORM HH	STORM SEWER LINE
SANITARY MAIN/ MANHOLE	SANITARY SEWER LINE
CLEAN OUT	CHIMNEY FLUE
SEWER	CABLE
UTILITY POLE	CONCRETE
LIGHT POLE	PIPE
TELEPHONE BOX	

	INLET PROTECTION SEE DETAIL 196
	INLET PROTECTION SEE DETAIL 196
	TEMPERARY SILT FENCE SEE DETAIL 197
	TEMPORARY SILT DOME SEE DETAIL 197
	TEMPERARY STONE CONSTRUCTION ENTRANCE SEE DETAIL 198

PROPOSED

	PROPERTY LINE/RIGHT
	LIMITS OF DISTURBANCE
	GRADE BREAK
	COUNTY ELEVATION
	STORM DRAIN

[illegible][illegible]

REV	DATE	BY	REVISIONS
REV-5	1/15/14	TLC	QTY REVIEW COMMENTS
REV-4	11/13/13	TLC	QTY REVIEW COMMENTS
REV-3	10/1/13	TLC	CLIENT REVIEW COMMENTS
REV-2	09/09/13	TLC	RESUBMITTAL TO CITY
REV-1	07-12-13	TLC	PER INITIAL QTY COMMENTS

PRELIMINARY
NOT FOR
CONSTRUCTION

9 SECTION AT BIKE RACK ISLAND

SECTION AT BIKE RACK ISLAND

SCALE

10 VERTICAL CURB

SECTION AT BIKE RACK ISLAND

SCALE

11 COMBINED CURB AND GUTTER

SECTION AT BIKE RACK ISLAND

SCALE

1 CURB RAMPS AND OTHER RAMPS

SECTION AT BIKE RACK ISLAND

SCALE

6 PAVEMENT PAINTING

SECTION AT BIKE RACK ISLAND

SCALE

7 TYPICAL PERIMETER SIDEWALK

SECTION AT BIKE RACK ISLAND

SCALE

8 ACCESSIBLE PARKING- SIZE AND MARKINGS (NOT TO SCALE)

SECTION AT BIKE RACK ISLAND

SCALE

2 ACCESSIBILITY SIGNAGE

SECTION AT BIKE RACK ISLAND

SCALE

3 POST MOUNTED ACCESSIBILITY SIGN

SECTION AT BIKE RACK ISLAND

SCALE

4 TYPICAL PIPE BOLLARD

SECTION AT BIKE RACK ISLAND

SCALE

5 TRAFFIC DIRECTIONAL SIGN

SECTION AT BIKE RACK ISLAND

SCALE

9 SECTION AT BIKE RACK ISLAND

SECTION AT BIKE RACK ISLAND

SCALE

10 VERTICAL CURB

SECTION AT BIKE RACK ISLAND

SCALE

11 COMBINED CURB AND GUTTER

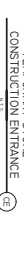
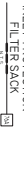
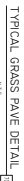
SECTION AT BIKE RACK ISLAND

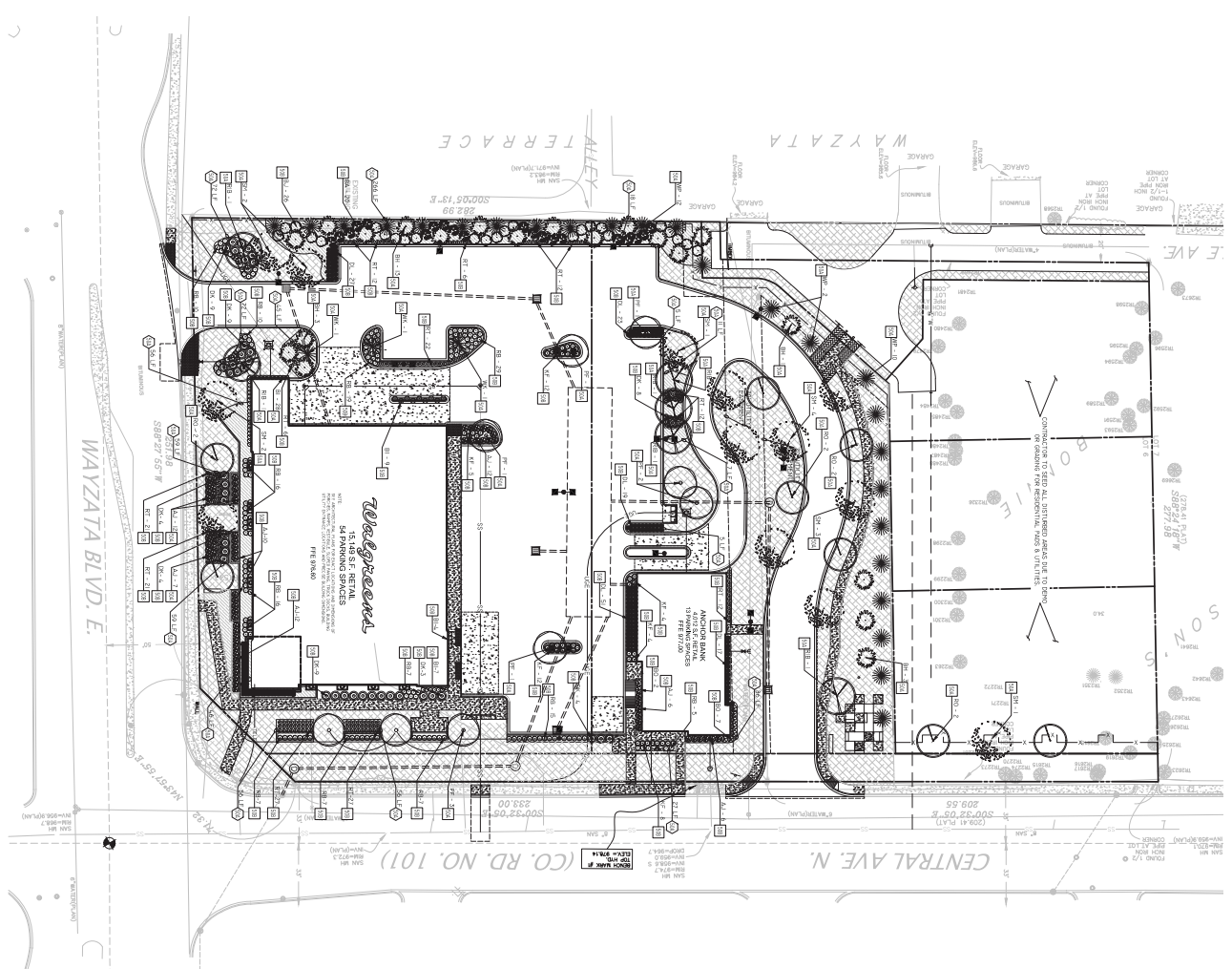
SCALE

8 ACCESSIBLE PARKING- SIZE AND MARKINGS (NOT TO SCALE)

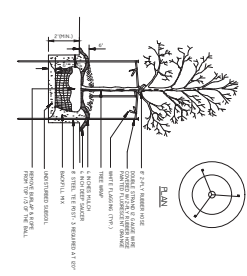
SECTION AT BIKE RACK ISLAND

SCALE





SITE BENCHMARK #1
FIRE HYDRANT EAST OF PROPERTY LINE 17' NAD 83 ELEV.



SHRUB PLANTING
1.5' DIA.
1.5' DIA.
1.5' DIA.

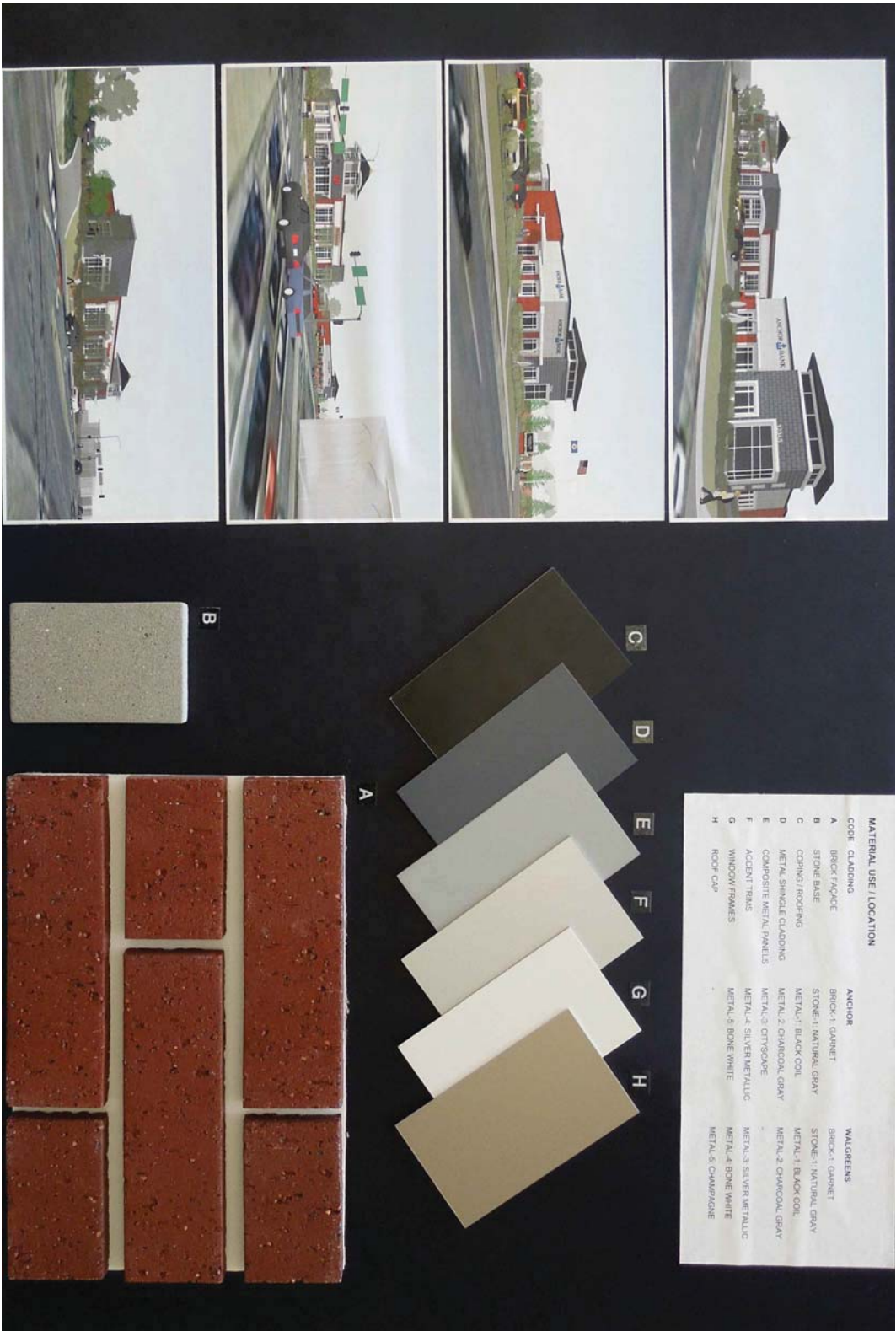


TREES TO BE PLANTED:
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99. 1.5' DIA. TREE
100. 1.5' DIA. TREE

TREE LIST			
SYB	KEY	QTY	COMMON NAME / BOTANICAL NAME
1	1	1	1.5' DIA. TREE
2	2	1	1.5' DIA. TREE
3	3	1	1.5' DIA. TREE
4	4	1	1.5' DIA. TREE
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55	55	1	1.5' DIA. TREE
56	56	1	1.5' DIA. TREE
57	57	1	1.5' DIA. TREE
58	58	1	1.5' DIA. TREE
59	59	1	1.5' DIA. TREE
60	60	1	1.5' DIA. TREE
61	61	1	1.5' DIA. TREE
62	62	1	1.5' DIA. TREE
63	63	1	1.5' DIA. TREE
64	64	1	1.5' DIA. TREE
65	65	1	1.5' DIA. TREE
66	66	1	1.5' DIA. TREE
67	67	1	1.5' DIA. TREE
68	68	1	1.5' DIA. TREE
69	69	1	1.5' DIA. TREE
70	70	1	1.5' DIA. TREE
71	71	1	1.5' DIA. TREE
72	72	1	1.5' DIA. TREE
73	73	1	1.5' DIA. TREE
74	74	1	1.5' DIA. TREE
75	75	1	1.5' DIA. TREE
76	76	1	1.5' DIA. TREE
77	77	1	1.5' DIA. TREE
78	78	1	1.5' DIA. TREE
79	79	1	1.5' DIA. TREE
80	80	1	1.5' DIA. TREE
81	81	1	1.5' DIA. TREE
82	82	1	1.5' DIA. TREE
83	83	1	1.5' DIA. TREE
84	84	1	1.5' DIA. TREE
85	85	1	1.5' DIA. TREE
86	86	1	1.5' DIA. TREE
87	87	1	1.5' DIA. TREE
88	88	1	1.5' DIA. TREE
89	89	1	1.5' DIA. TREE
90	90	1	1.5' DIA. TREE
91	91	1	1.5' DIA. TREE
92	92	1	1.5' DIA. TREE
93	93	1	1.5' DIA. TREE
94	94	1	1.5' DIA. TREE
95	95	1	1.5' DIA. TREE
96	96	1	1.5' DIA. TREE
97	97	1	1.5' DIA. TREE
98	98	1	1.5' DIA. TREE
99	99	1	1.5' DIA. TREE
100	100	1	1.5' DIA. TREE

SHRUB LIST			
SYB	KEY	QTY	COMMON NAME / BOTANICAL NAME
1	1	1	1.5' DIA. SHRUB
2	2	1	1.5' DIA. SHRUB
3	3	1	1.5' DIA. SHRUB
4	4	1	1.5' DIA. SHRUB
5	5	1	1.5' DIA. SHRUB
6	6	1	1.5' DIA. SHRUB
7	7	1	1.5' DIA. SHRUB
8	8	1	1.5' DIA. SHRUB
9	9	1	1.5' DIA. SHRUB
10	10	1	1.5' DIA. SHRUB
11	11	1	1.5' DIA. SHRUB
12	12	1	1.5' DIA. SHRUB
13	13	1	1.5' DIA. SHRUB
14	14	1	1.5' DIA. SHRUB
15	15	1	1.5' DIA. SHRUB
16	16	1	1.5' DIA. SHRUB
17	17	1	1.5' DIA. SHRUB
18	18	1	1.5' DIA. SHRUB
19	19	1	1.5' DIA. SHRUB
20	20	1	1.5' DIA. SHRUB
21	21	1	1.5' DIA. SHRUB
22	22	1	1.5' DIA. SHRUB
23	23	1	1.5' DIA. SHRUB
24	24	1	1.5' DIA. SHRUB
25	25	1	1.5' DIA. SHRUB
26	26	1	1.5' DIA. SHRUB
27	27	1	1.5' DIA. SHRUB
28	28	1	1.5' DIA. SHRUB
29	29	1	1.5' DIA. SHRUB
30	30	1	1.5' DIA. SHRUB
31	31	1	1.5' DIA. SHRUB
32	32	1	1.5' DIA. SHRUB
33	33	1	1.5' DIA. SHRUB
34	34	1	1.5' DIA. SHRUB
35	35	1	1.5' DIA. SHRUB
36	36	1	1.5' DIA. SHRUB
37	37	1	1.5' DIA. SHRUB
38	38	1	1.5' DIA. SHRUB
39	39	1	1.5' DIA. SHRUB
40	40	1	1.5' DIA. SHRUB
41	41	1	1.5' DIA. SHRUB
42	42	1	1.5' DIA. SHRUB
43	43	1	1.5' DIA. SHRUB
44	44	1	1.5' DIA. SHRUB
45	45	1	1.5' DIA. SHRUB
46	46	1	1.5' DIA. SHRUB
47	47	1	1.5' DIA. SHRUB
48	48	1	1.5' DIA. SHRUB
49	49	1	1.5' DIA. SHRUB
50	50	1	1.5' DIA. SHRUB
51	51	1	1.5' DIA. SHRUB
52	52	1	1.5' DIA. SHRUB
53	53	1	1.5' DIA. SHRUB
54	54	1	1.5' DIA. SHRUB
55	55	1	1.5' DIA. SHRUB
56	56	1	1.5' DIA. SHRUB
57	57	1	1.5' DIA. SHRUB
58	58	1	1.5' DIA. SHRUB
59	59	1	1.5' DIA. SHRUB
60	60	1	1.5' DIA. SHRUB
61	61	1	1.5' DIA. SHRUB
62	62	1	1.5' DIA. SHRUB
63	63	1	1.5' DIA. SHRUB
64	64	1	1.5' DIA. SHRUB
65	65	1	1.5' DIA. SHRUB
66	66	1	1.5' DIA. SHRUB
67	67	1	1.5' DIA. SHRUB
68	68	1	1.5' DIA. SHRUB
69	69	1	1.5' DIA. SHRUB
70	70	1	1.5' DIA. SHRUB
71	71	1	1.5' DIA. SHRUB
72	72	1	1.5' DIA. SHRUB
73	73	1	1.5' DIA. SHRUB
74	74	1	1.5' DIA. SHRUB
75	75	1	1.5' DIA. SHRUB
76	76	1	1.5' DIA. SHRUB
77	77	1	1.5' DIA. SHRUB
78	78	1	1.5' DIA. SHRUB
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80	80	1	1.5' DIA. SHRUB
81	81	1	1.5' DIA. SHRUB
82	82	1	1.5' DIA. SHRUB
83	83	1	1.5' DIA. SHRUB
84	84	1	1.5' DIA. SHRUB
85	85	1	1.5' DIA. SHRUB
86	86	1	1.5' DIA. SHRUB
87	87	1	1.5' DIA. SHRUB
88	88	1	1.5' DIA. SHRUB
89	89	1	1.5' DIA. SHRUB
90	90	1	1.5' DIA. SHRUB
91	91	1	1.5' DIA. SHRUB
92	92	1	1.5' DIA. SHRUB
93	93	1	1.5' DIA. SHRUB
94	94	1	1.5' DIA. SHRUB
95	95	1	1.5' DIA. SHRUB
96	96	1	1.5' DIA. SHRUB
97	97	1	1.5' DIA. SHRUB
98	98	1	1.5' DIA. SHRUB
99	99	1	1.5' DIA. SHRUB
100	100	1	1.5' DIA. SHRUB

LANDSCAPE PLAN										
CADD PLOT:	FUTURE STORE □									
DRAWN BY: L. COOPER	WALGREENS			REV-3	1/28/14	1/0		CITY REVIEW COMMENTS		
	1055 WAYZATA BOULEVARD EAST WAYZATA, MN 55391			REV-4	4/17/13	1/0		CITY REVIEW COMMENTS		
				REV-5	10/1/13	1/0		CLIENT REVIEW COMMENTS		
DATE: 11/13/14					REV-2	10/2/13	1/0		SCHEMATIC TO CITY	
REVIEWED:					REV-1	07-12-13	1/0		PRR INITIAL CITY COMMENTS	
					NO. DATE BY					



EXTERIOR MATERIALS

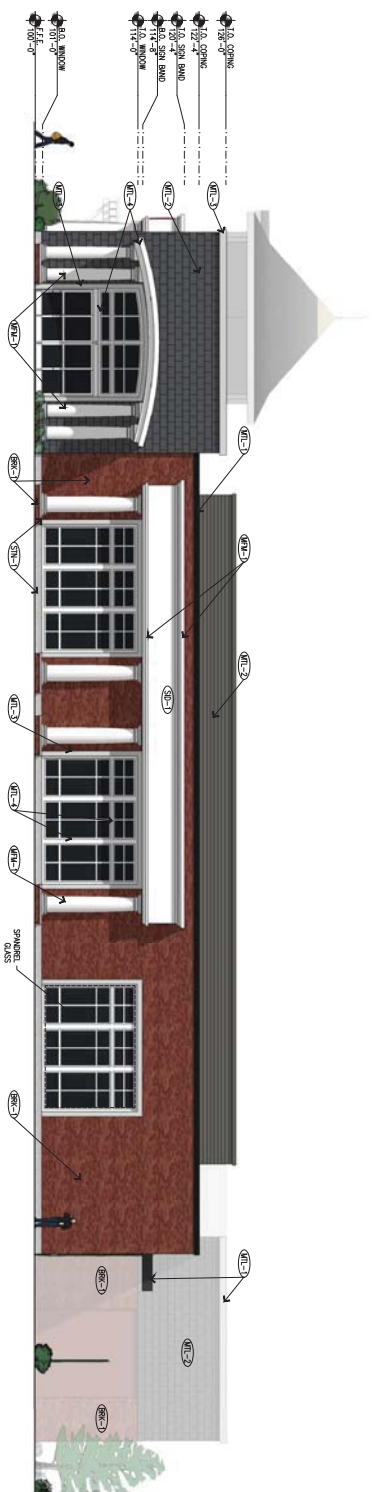
HWY 101 AND E WAYZATA BLVD. SITE REDEVELOPMENT



PRECEDENT IMAGES

HWY 101 AND E WAYZATA BLVD. SITE REDEVELOPMENT

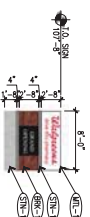




1 NORTH EXTERIOR ELEVATION
1/8" = 1'-0"



2 EAST EXTERIOR ELEVATION
A301 1/8" = 1'-0"



3 WALGREENS SIGN
A301 1/8" = 1'-0"

EXTERIOR MATERIALS

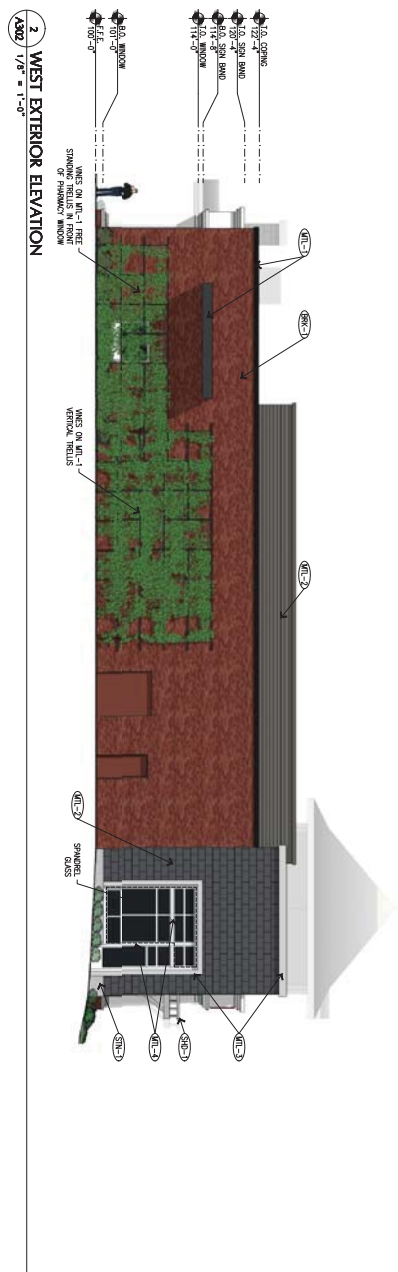
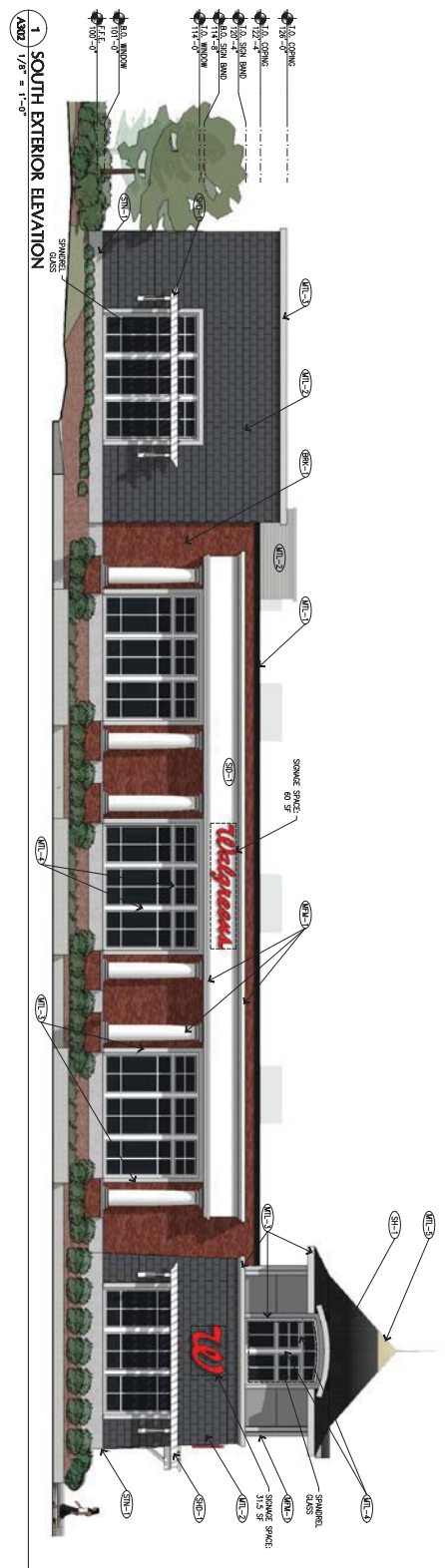
(H1)	WRT-1, ALUMINA FIBER, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H2)	WRT-2, ALUMINA FIBER, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H3)	WRT-3, ALUMINA FIBER, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H4)	WRT-4, ALUMINA FIBER, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H5)	WRT-5, ALUMINA FIBER, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H6)	WRT-6, WRT-7, WRT-8, WRT-9, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H7)	WRT-10, WRT-11, WRT-12, WRT-13, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H8)	WRT-14, WRT-15, WRT-16, WRT-17, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H9)	WRT-18, WRT-19, WRT-20, WRT-21, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H10)	WRT-22, WRT-23, WRT-24, WRT-25, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H11)	WRT-26, WRT-27, WRT-28, WRT-29, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H12)	WRT-30, WRT-31, WRT-32, WRT-33, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H13)	WRT-34, WRT-35, WRT-36, WRT-37, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H14)	WRT-38, WRT-39, WRT-40, WRT-41, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H15)	WRT-42, WRT-43, WRT-44, WRT-45, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H16)	WRT-46, WRT-47, WRT-48, WRT-49, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H17)	WRT-50, WRT-51, WRT-52, WRT-53, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H18)	WRT-54, WRT-55, WRT-56, WRT-57, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H19)	WRT-58, WRT-59, WRT-60, WRT-61, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H20)	WRT-62, WRT-63, WRT-64, WRT-65, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H21)	WRT-66, WRT-67, WRT-68, WRT-69, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H22)	WRT-70, WRT-71, WRT-72, WRT-73, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H23)	WRT-74, WRT-75, WRT-76, WRT-77, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H24)	WRT-78, WRT-79, WRT-80, WRT-81, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H25)	WRT-82, WRT-83, WRT-84, WRT-85, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H26)	WRT-86, WRT-87, WRT-88, WRT-89, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H27)	WRT-90, WRT-91, WRT-92, WRT-93, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H28)	WRT-94, WRT-95, WRT-96, WRT-97, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H29)	WRT-98, WRT-99, WRT-100, WRT-101, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H30)	WRT-102, WRT-103, WRT-104, WRT-105, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H31)	WRT-106, WRT-107, WRT-108, WRT-109, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H32)	WRT-110, WRT-111, WRT-112, WRT-113, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H33)	WRT-114, WRT-115, WRT-116, WRT-117, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H34)	WRT-118, WRT-119, WRT-120, WRT-121, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H35)	WRT-122, WRT-123, WRT-124, WRT-125, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H36)	WRT-126, WRT-127, WRT-128, WRT-129, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H37)	WRT-130, WRT-131, WRT-132, WRT-133, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H38)	WRT-134, WRT-135, WRT-136, WRT-137, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H39)	WRT-138, WRT-139, WRT-140, WRT-141, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H40)	WRT-142, WRT-143, WRT-144, WRT-145, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H41)	WRT-146, WRT-147, WRT-148, WRT-149, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H42)	WRT-150, WRT-151, WRT-152, WRT-153, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H43)	WRT-154, WRT-155, WRT-156, WRT-157, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H44)	WRT-158, WRT-159, WRT-160, WRT-161, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H45)	WRT-162, WRT-163, WRT-164, WRT-165, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H46)	WRT-166, WRT-167, WRT-168, WRT-169, FIBREX® (H4-C4), NINA 500/100/100, 500/100/100, BUNT BLACK
(H47)	WRT-170, WRT-171, W

WALGREENS MATERIAL PERCENTAGES

	GLASS	BRICK	STONE	METAL	SPANDREL	NOTE: FLOOR CANTILEVER ARE FROM F.F.L. TO 15" IN ELEVATION
NORTH	27.0%	49.9%	04.1%	10.0%	09.0%	
EAST	47.8%	29.1%	05.8%	17.5%	00.0%	
SOUTH	34.0%	30.1%	05.8%	21.1%	09.0%	
WEST	03.5%	79.0%	01.0%	08.5%	08.0%	
TOTAL	28.7%	45.3%	04.4%	14.5%	07.1%	

CITY ORDINANCE MATERIAL PERCENTAGES

[illegible]





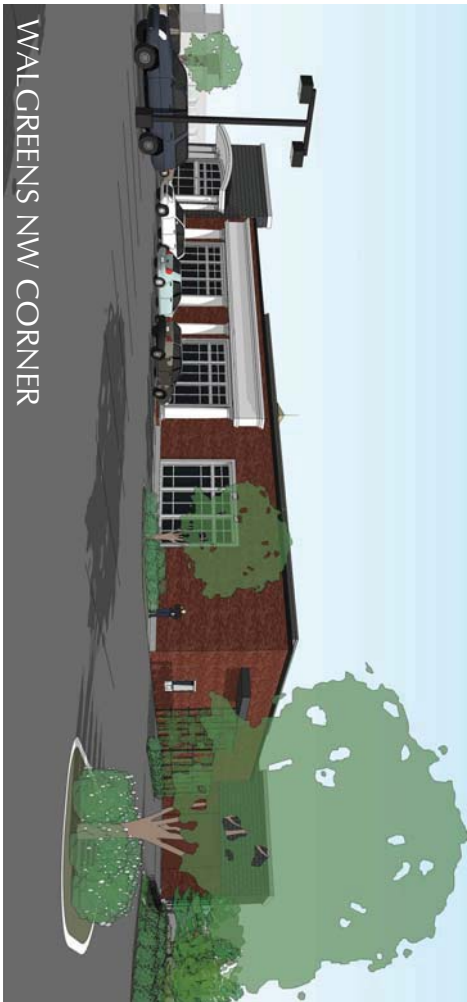




WALGREENS SE CORNER



WALGREENS NE CORNER



WALGREENS NW CORNER



WALGREENS SW CORNER



SITE OVERVIEW



SITE CLOSE-UP

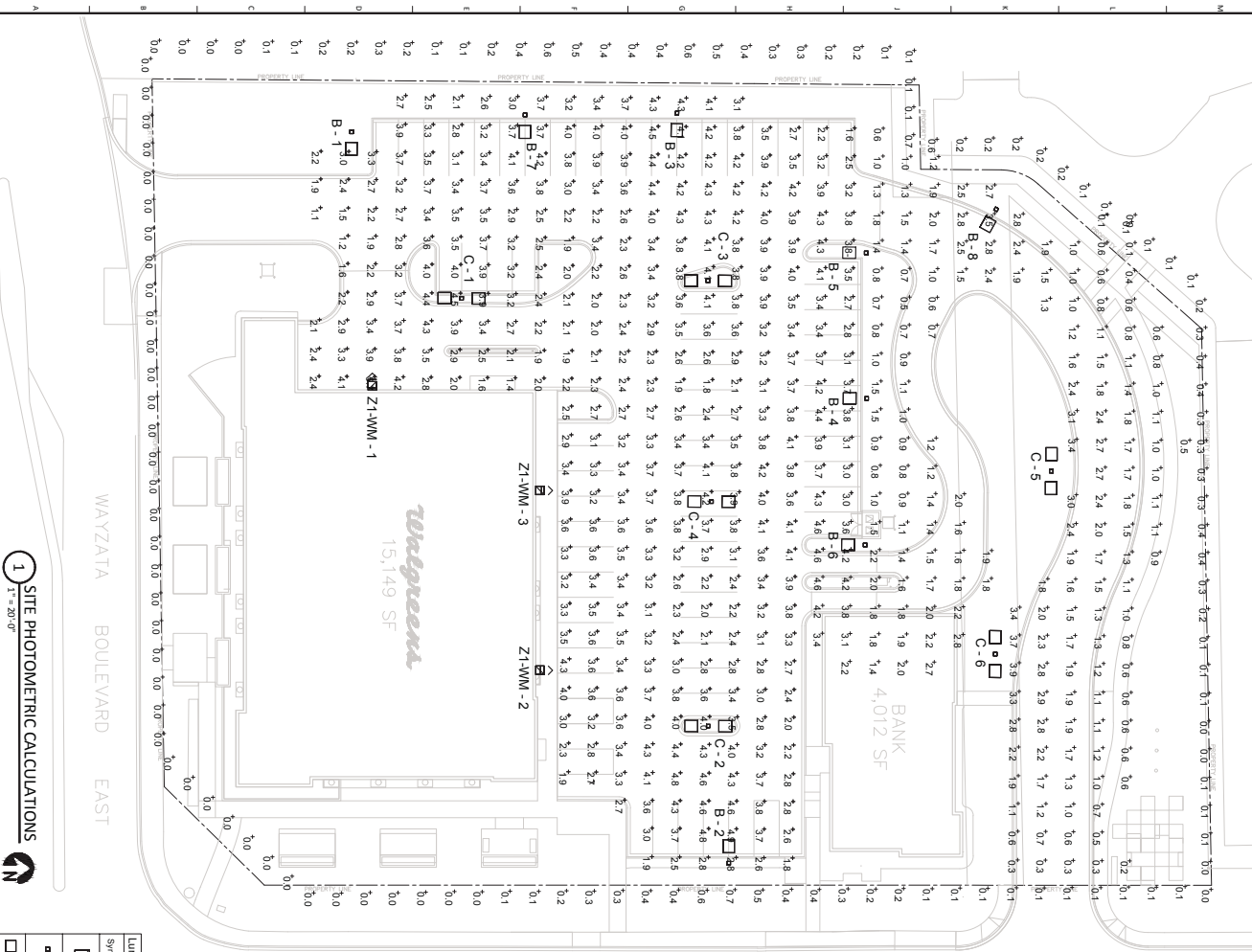
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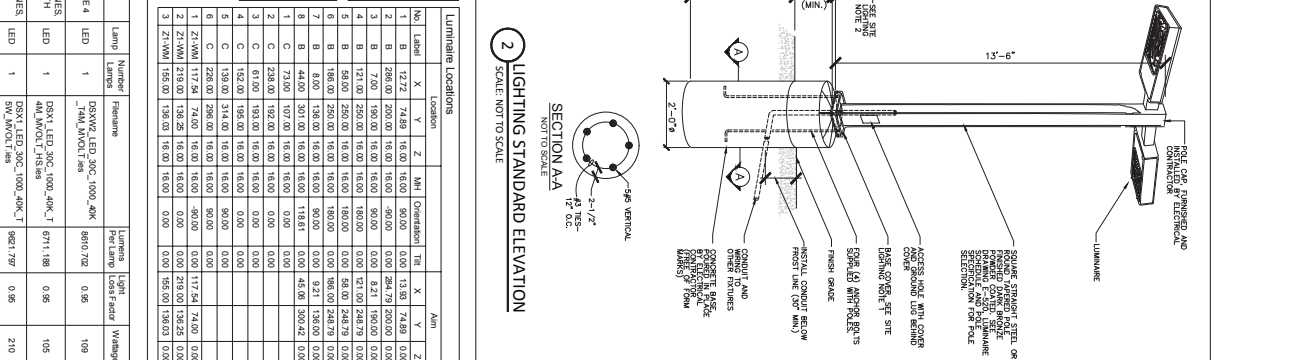
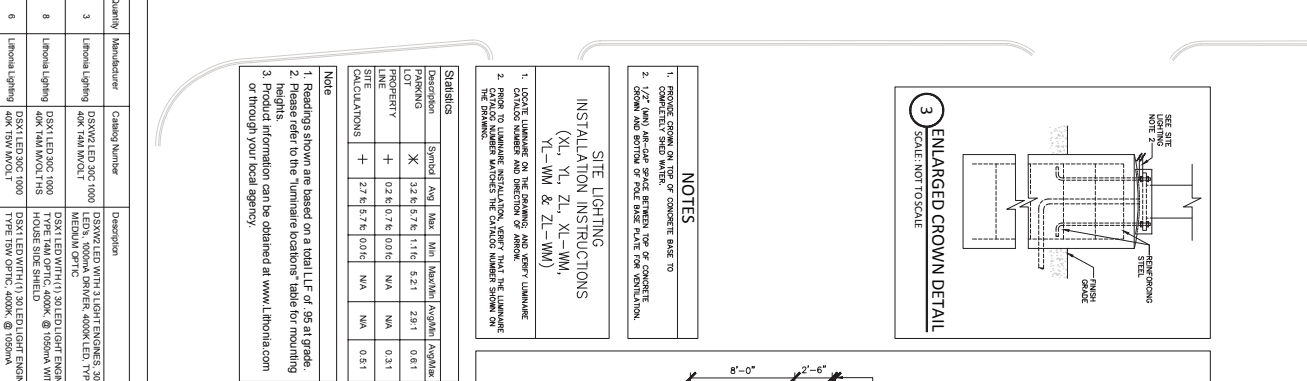
PLAZA



PLAZA



1 SITE PHOTOMETRIC CALCULATIONS
T=20'-0"



DRAWING TITLE: SITE ELECTRICAL PHOTOMETRIC CALCULATIONS AND DETAILS										CAMPBURNAS & THEODORE, LTD. ARCHITECTURE PLANNING INTERIOR DESIGN ENGINEERING 2454 S. DOWNSPORT BL., DES PLAINES, IL 60016 TEL 847.298-1122 FAX 847.298-8730 www.campburnasandtheodore.com										CC, 701 Walgreen Page 79 of 102									
SCALE: AS SHOWN										PROJECT NO. 21100006 STORE NO. XXXX										EST. 1940									
DRAWN BY:										WALGREENS NORTH-WEST CORNER OF HIGHWAY 101 AND WAYZATA BOULEVARD EAST										CC, 701 Walgreen Page 79 of 102									
DATE: 01/15/14																				CC, 701 Walgreen Page 79 of 102									
REVIEWED:										WAYZATA BOULEVARD EAST										CC, 701 Walgreen Page 79 of 102									
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**1055 Wayzata Blvd E. – Anchor Bank and Walgreens Development
Design Critique (Revised Based on 01/14/2014 Submittals)
January 15, 2014**

		Comments	Compliance
Building Recesses			
<u>801.09.3.1.A – All Districts</u> Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level		The proposed buildings utilize recesses and changes in materials to break up the façade.	Yes.
<u>801.09.3.1.B</u> Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.		The Project proposes landscaping around the exterior of the development and in driveway islands. In addition, the Project includes plaza space at the northeast corner of the site.	Yes.
Building Width			
<u>801.09.4.1 All Districts – New Buildings</u> In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design:		The Project incorporates the following items: 1. Awning elements 2. Articulations of the façade, between stone and brick elements 3. Special treatment at the north entrances with the parapet element.	Yes
1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements			

Upper Story Setbacks			
801.09.5.1.A – All Districts – New Buildings	Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3 rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3 rd story height from the second (2 nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3 rd story structure shall be closer than six (6) feet to the 2 nd story facade. The 3 rd story facade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3 rd story facade.	This section is not applicable as the Anchor Bank and Walgreens buildings are one story structures.	Not Applicable.
801.09.5.1.B – All Districts – New Buildings	The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the facade's length, setting back a minimum of six (6) feet from the face of the first floor facade. The required third floor setback must follow the frontal plane of the second story setback.	This section is not applicable as the Project is only one story structures.	Not Applicable.
801.09.5.1.C – All Districts – New Buildings	Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.	The building height of the new Walgreens building is 26 ft to the top of the flat roof and 40 ft to the top of the roof tower peak. The building height of the new Anchor Bank building is 18 ft to the top of the flat roof and 27 ft to the top of the roof canopy tower. Due to the setback distances to adjacent properties, there should be no negative impact due to building height. The proposed building heights are less than the existing three story structure.	Yes.

Roof Design			
<u>801.09.6.1 – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.		The project does not include a green roof structure.	Not Applicable.
<u>801.09.6.2.A – All Districts – Roof Materials</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors.		The proposed roof material for the flat roof will be a treated synthetic membrane material.	Yes.
<u>801.09.6.2.B – All Districts – Roof Materials</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.		The proposed sloped roof portions will be metal shingle in a dark color.	

Screening of Rooftop Equipment			
<u>801.09.7.2 – Wayzata Blvd District</u> All mechanical equipment shall be completely screened behind a parapet wall, so as not to be visible from adjacent properties and pedestrian view vantage points from adjacent sidewalks. No enclosure shall be larger than 25% of the roof area.		The mechanical equipment will be located on the roof deck and screened behind the parapet wall on the Walgreens and Anchor Bank buildings.	Yes.

Facade Transparency		Comments	Compliance
<u>801.09.8.4 – Wayzata Blvd District</u> No less than fifty percent (50%) of ground level façades for buildings containing commercial or office uses fronting Wayzata Blvd shall be transparent glass.		The Anchor Bank building has the following glass percentages: - North: 24.4% - East: 29.6% - South: 14.7% - West: 11.7% The Walgreens building has the following glass percentages: - North: 27% - South: 34% - East: 47.6% - West: 03.5%	Yes. The new Anchor Bank building does not front onto Wayzata Blvd. No, the Walgreen's south facing façade fronting onto Wayzata Blvd does not have 50% glass transparency. The Council should consider whether a deviation is warranted.
Ground Level Expression			
<u>801.09.9.1 – All Districts</u> In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements: 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels		This section is not applicable as the building is not a multi-story building. However, the project includes mixture of building materials, awnings, and recesses to break up facades.	Not Applicable.

Entries				
<u>801.09.10.1 – All Districts</u>				Yes.
The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.		The Anchor Bank building will have landscape planters at the main entrance. Additional landscaping will be provided around the exterior of the building. Walgreens will have a landscape island at the front façade of the building. The Applicant is open to adding additional seasonal landscaping boxes at the entries.		

801.09.11.1.A – Primary Opaque Surfaces – All Districts Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials:		
1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco	The building is primarily of brick, stone, metal, and glass with the following percentages: 1) Anchor Bank: North Elevation: Glass: 24.4% Brick: 31.5% Metal: 29.4% Stone: 14.7% East Elevation: Glass: 29.6% Brick: 13.7% Metal: 45.7% Stone: 11.0% South Elevation: Glass: 14.7% Brick: 51.5% Metal: 18.9% Stone: 14.9% West Elevation: Glass: 11.7% Brick: 60.0% Metal: 7.3% Stone: 21.0%	No. The Anchor Bank building would have more metal than allowed as an accent material. The City Council should discuss whether a deviation is warranted.

801.09.11.1.A – Primary Opaque Surfaces – All Districts Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 6. Brick 7. Stone 8. Cast stone 9. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 10. Stucco		
	The building is primarily of brick, stone, metal, and glass with the following percentages: 2) Walgreens Building: North Elevation: Glass: 27% Brick: 49.9% Stone: 4.1% Metal: 10% Spandrel: 9.0% South Elevation: Glass: 34% Brick: 30.1% Stone: 5.8% Metal: 21.1% Spandrel: 9.0% East Elevation: Glass: 47.6% Brick: 29.1% Stone: 5.8% Metal: 17.5% Spandrel: 0% West Elevation: Glass: 3.5% Brick: 79% Stone: 1% Metal: 8.5% Spandrel: 8.0%	No. The Walgreens building would have more metal on two facades than allowed as an accent material. The City Council should discuss whether a deviation is warranted.

<u>801.09.11.1.B – Facade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	Brick, stone, and metal are included on all four sides of both the new Anchor Bank and Walgreens buildings.	Yes.
<u>801.09.11.1.C – Type of Brick – All Districts</u> On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.	The brick will be full course brick of a standard size.	Yes.

<u>801.09.11.1.D – Facade Detail – All Districts</u> 1. Brick and/or stone facades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.	This is a condition of approval.	Yes.
<u>801.09.11.1.E – Brick Joints – All Districts</u> 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence	The mortar for the brick be standard grey to match the existing structure and will be assembled as required by code.	Yes.
<u>801.09.11.1.F – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.	This is a condition of approval.	Yes.

<u>801.09.11.1.G – Accent Materials – All Districts</u> Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade:		
1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS		
<u>801.09.11.1.H - Parapets, Flashing, Coping – All Districts</u> 1. Only the following materials may be used for parapets, flashing and coping: a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches.	Metal is utilized for more than 10% of the façade on the Anchor Bank and Walgreens buildings. Aluminum with a maximum exposed edge of no more than five inches will be used as parapet material.	No. The City Council should evaluate if a deviation is warranted. Yes.

<u>801.09.11.1.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.		Yes.
<u>801.09.11.1.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.	This section is not applicable, as there are no balconies proposed.	Not Applicable.
<u>801.09.11.1.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects	The glass shall meet the standards of the ordinance. The Walgreens building does have portions of glass that will be spandrel for screening purposes.	Yes.
<u>801.09.11.1.L – Doors – All Districts</u> Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.	The proposed entry doors will be glass.	Yes.

Franchise Architecture		Comments	Compliance
801.09.12.1			
A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited.		The proposed building design of the Anchor Bank building is a new design for a smaller footprint than the original building.	The City Council should review the plans and comment on if the proposed buildings and signage are franchise architecture or have distinctive elements.
B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801.09.18 by the Planning Commission at the time of Design Standards Review application		The proposed Walgreens building has been revised to include different roof elements to break up the façade of the building. Signage for both new buildings are included as part of the building elevations in the plan set.	

Walkways				
801.09.13.2 – Bluff District				
A.	Continuous sidewalks at least five (5) feet in width shall be provided along all public street frontages. The sidewalk street grid shall be maintained and extended wherever possible.	Sidewalks exist on Wayzata Blvd and Central Avenue adjacent to the Project. The Applicant is proposing to install a sidewalk along Central Ave adjacent to the Property.	Yes.	
	B. Where the sidewalk street grid is interrupted by steep slopes or other topographic variations, walkways or stairways shall be built to maintain pedestrian continuity.			

Landscaping		Comments	Compliance
<u>801.09.14.1 – All Districts</u> A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level. B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings. C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area. D. Streetscaping shall include all of the following: 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers		The Applicant has proposed a mixture of trees and shrub around the perimeter of both of the new buildings. A landscape plan is included with the Applicant submittal materials. The Applicant is open to adding additional seasonal planting boxes around the entries of the buildings. The Applicant will add a bench to the east of the main entry of the Walgreens.	The City Council should comment on the plantings proposed for the Project.
<u>801.09.14.3 – Bluff and Wayzata Blvd Districts</u> Trees with a minimum of three (3) caliper inches shall be planted no more than twenty-six (26) feet apart within a landscaped boulevard.		The Applicant will be installing additional trees and landscaping around the entrance of the building.	The City Council should comment on the plantings proposed for the Project.

Parking Lot Landscaping		Comments	Compliance
801.09.15.1 – All Districts A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.		The project proposes an approximately 10 ft landscaped buffer of shrubbery between the building and the adjacent sidewalk to the east for the Anchor Bank building. The Walgreens building has plantings and landscaping in a 20 ft area between the building and the sidewalk along the south façade.	Yes.
Surface Parking			
801.09.16.1 – All Districts			
A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property.		The proposed parking area is in the interior (rear) of the site, away from the public facades on Wayzata Blvd and Central Avenue.	Yes.
B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots.			
C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property.			
D. Front yard parking is prohibited.			
E. There shall be no corner parking.			

		Comments	Compliance
801.09.16.2 – All Districts – Bicycle Parking Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.		The Applicant will add bicycle parking to the Walgreens building to the east of the main entry of Walgreens. A bike rack will be located to the east of the handicap parking by Anchor Bank.	Yes, Applicant will add bicycle parking to the site.
Parking Structures			
801.09.17.1 – All Districts Parking structures shall meet the following standards, along with all other applicable building code standards:		This section is not applicable, as there is no parking ramp associated with the request.	Not Applicable.
A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings.			
B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade.			
C. Windows or openings shall be similar to those of surrounding buildings.			
D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.			

	Comments	Compliance
Signs 801.09.18.1 – All Districts A. Compatibility - Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design. - A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context. - When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties. - Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.	The Walgreens building proposes the following illuminated signage: East Elevation: - Walgreens Script: 60 SF - Walgreens "W": 31.5 SF - Total: 91.5 SF South Elevation: - Walgreens Script: 60 SF - Walgreens "W": 15.10 SF - Total: 91.5 SF Monument Sign: - Cabinet sign: 22.2 SF - LED Readerboard: 9.03 SF - Total: 31.23 SF Anchor Bank: East Elevation: Wall Sign: 42.5 SF South Elevation: Wall Sign: 42.5 SF Monument Sign: - LED Readerboard: 60 SF	The City Council should review and comment on the signage plan is compatible with the buildings as part of the Application review.

Parking Lot and Building Lighting		Comments	Compliance
801.09.19.1 – All Districts			
A.	Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare.	All lighting fixtures attached to the building are designed to be downcast lit.	Yes.
B.	Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution.		
C.	Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets.		
D.	Light posts shall be of a dark color.		
E.	Lighting fixtures shall be compatible with the architecture of the building.		
F.	Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards.		
G.	All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.		

Deviations Requested with the Application

- Section 801.09.8.4 – Façade Transparency – Less than 50% façade transparency on Wayzata Blvd
- Section 801.09.11.1.A – Primary Opaque Surfaces – More than 10% metal on building facades
- Section 801.09.11.1.G – Percent of Accent Materials – More than 10% metal on building facades

Bryan Gadow

From: JoAnn & Barry Birkholz <jbbirkholz4@gmail.com>
Sent: Sunday, November 17, 2013 4:48 PM
To: Bryan Gadow
Cc: Ken Willcox
Subject: Proposed Redevelopment of Anchor Bank and Walgreens

Hello Bryan

A few of us from the Benton Avenue neighborhood met with Mayor Wilcox last weekend. He asked that we put some of our recommendations together for you. Please let us know if you have any questions or would like to discuss. Thank you.

As we have mentioned in our past correspondence, there are two major concerns for the neighborhood. First, the single family homes to be built and guaranteed as part of the development. Second, improved safety and access to and from Benton Avenue. The traffic signals must be adjusted with a sensor plate placed on Benton Avenue.

As you know, the back of our house and driveway will be directly impacted by this project. We request consideration for the design of the project to include adequate space for our driveway to enter and exit the garage. This includes any additional space needed to accommodate winter and snow accumulation.

Additionally, we feel it important to consider some of the details of the project that have direct impact on the neighborhood overall. We wish to keep these included in the discussions and decision-making. These include:

- Construction hours be limited to normal business hours during the week. If construction must occur on the weekend, hours to start no earlier than 9am.
- The emergency access point is minimized so as not to be obtrusive for the neighborhood.
- Simultaneous building of the single-family homes with the retail buildings must occur.
- Retail business hours be limited to 7am-10pm.
- Outside lighting should be downward facing with shield protection.
- Restrict lighted exterior signage to the south and east facing exterior walls. No lighted exterior signage on the north and west sides.
- Walgreens and Anchor Bank building signage to be dimmed at night after closing.
- No equipment on the exterior of the building. This includes: propane tanks, Red box, store merchandise, etc.
- Advertising on the exterior of the building is limited, including windows and any neon lights. Prohibit advertising with banners for promotions.
- Minimal decibel sound from drive-thru speakers and shielding barrier to the west of the drive-thru windows for both Walgreens and Anchor Bank.
- Landscaping is dense and adequate to hide the buildings and access point from the Benton Avenue neighborhood. Landscaping will include a variety of types of trees, including evergreens and deciduous trees with multiple heights. Responsibility for maintaining and replacing landscaping is the responsibility of the property tenants.
- Water drainage is designed to ensure flow away from the neighborhood and toward Central Avenue

- New alley/street must include adequate space for snow removal and car traffic
- Project includes a walking path from the neighborhood to Central Avenue
- Garbage pickup and delivery times occur during business hours
- Garbage and dumpsters to be located inside of Walgreens and Anchor Bank buildings

We appreciate consideration of these issues and details for the Anchor Bank and Walgreens redevelopment.

Thank you.

JoAnn and Barry Birkholz
140 Benton Avenue N.

AGENDA ITEM 5. Public Hearing.

a. Consider On-Sale Beer License and On-Sale Wine License for Lunds, Inc. DBA “Lunds & Byerlys Kitchen” at 250 Superior Boulevard

Ms. Nelson presented the request of Lunds, Inc. for an On-Sale Beer License and On-Sale Wine License, noting that control measures would be in place and the application was in order. She stated staff recommends approval of both licenses without a waiting period

General Manager Steve Carda and Director of Operations Pat Yorek introduced themselves. Mr. Carda stated this is a new and innovative concept for Lunds & Byerlys Kitchen and described the foods and services that would be offered. He indicated the grand opening will be on March 6, 2014.

Mr. Willcox opened the public hearing at 7:25 p.m. There being no input, Mr. Willcox closed the public hearing at 7:25 p.m.

Mr. Tanner made a motion, seconded by Mr. Amdal, to approve On-Sale Beer License and On-Sale Wine License for Lunds, Inc., DBA “Lunds & Byerlys Kitchen,” 250 Superior Boulevard, without a waiting period. The motion carried 5/0.

AGENDA ITEM 6. New Business.

a. Consider Resolution No. 36-2013 Anchor Bank / Walgreens Project

Mr. Gadow presented the multi-part application for redevelopment of the existing Anchor Bank site to construct a new smaller Anchor Bank facility on the northeast corner, a new Walgreens building, and three single-family residential lots on the properties at 1055 Wayzata Boulevard, 141 and 155 Central Avenue N. The application includes an amendment to the Planned Unit Development (PUD) to allow two commercial structures on the property, Project Design Review, Concurrent Preliminary and Final Plat, Site Plan Review, Conditional Use Permit (CUP) for the drive-thru banking and pharmacy facilities, and Street Vacation. Mr. Gadow described the consideration of the Planning Commission and recommendation for denial on a 3-2 vote.

Mr. Gadow displayed and presented three iterations of the proposed Walgreens building design and reaction of the Planning Commission to find that none met the threshold of the design standards as each contained franchise architecture. He noted the Council met in workshop with the applicant and requested darker building materials in a New England-type of façade. Mr. Gadow presented Walgreens Iteration #4, noting the applicant has indicated it is a work in progress.

Mr. Gadow presented three proposed roadway alignment options, and indicated the request for Elm Lane street vacation required a 5/0 vote of the Council. He stated if Elm Lane is not vacated, the City would have to grant an easement to cross over Elm Lane to access the site. In regard to past similar considerations, Mr. Gadow stated Mill Street, an area of Superior Boulevard by the Muni, and Huntington Road have been vacated. Mr. Gadow stated if Elm Lane is vacated, the City would not give up the right-of-way but would remove a portion of the pavement so the point of access is not confusing. Also, if vacated, the portion of property assumed into adjacent properties would become taxable.

The Council acknowledged that in residential areas, the setback is measured from unimproved rights-of-way. If that were the case with this application, another setback variance may be needed.

John Kohler, architect with Semper Development representing the applicant, and Todd Mohagen from Mohagen Hanson Architects, presented the application. It was indicated that Road Option B was designed to meet setbacks and Option C would allow more buffer between the proposed Walgreens building and Wayzata Boulevard.

Mr. Kohler noted Iteration #4 includes boathouse and arbor features, lowers the height and scale of the building, and incorporates the requested New England/Lake Minnetonka-type of

1 feel. Mr. Kohler stated they would propose a New England-style shingle whether metal or
2 another material.

3 Mr. Mohagen presented and described exterior building materials and colored renditions,
4 noting the proposed Anchor Bank is different from Walgreens yet complimentary with subdued
5 colors, colonnade appearance, and some signage has been removed. Mr. Mohagen stated the
6 metal shingles/shakes would be light grey in color, aluminum or steel, and will emulate a New
7 England feel.

8 The Council recognized that Blake School has metal shingles and indicated a preference
9 for aluminum shingles/shakes. The Council indicated it favored darker exterior colors and asked
10 the applicant to address the areas of white colored materials. The Council supported a nautical
11 tie-in as the Muni was designed to mimic a boathouse.

12 Mr. Mohagen noted the location of the cellular antennas that would be incorporated into
13 the corners of the tower element with the cellular equipment within. He stated the other building
14 materials would include brick and described the species of trees within the landscape plan.

15 The consensus of the Council was to table consideration of Iteration #4, which was just
16 presented tonight, to allow additional time for review.

17
18 Mayor Willcox opened the floor for public comment.

19 Mary Bader, 117 Peavey Lane, stated the applicant has been responsive to the Council's
20 comments but asked the Council to not approve the project due to her concern for retail on that
21 corner and increased traffic. She stated a prior Council set a PUD restriction on this property to
22 protect the adjacent residential neighborhood and stop the spread of retail across Central Avenue
23 and westward on Wayzata Boulevard. She found the Walgreens design to be a "big box," noting
24 when the Wayzata Bay Center was approved the Council at that time had indicated it did not want
25 a "big box." Ms. Bader stated she understands the Benton neighborhood supports this project;
26 however, she thinks they cannot visualize how their access will be impacted but support it
27 because they want single-family homes on Central Avenue, the use for which it is already zoned.

28 Pat Broyles, 212 Benton Avenue, stated she does not support the street vacation due to
29 the impact on Benton Avenue. She currently uses Elm Lane and does not support the Walgreens
30 building for the reasons expressed by Ms. Bader.

31 Cindy Larson, 158 Benton Avenue, stated she supports the project and design but is
32 concerned if the alley remains open because it will bring traffic into her neighborhood. She is
33 also concerned with "commercial creep" and supports construction of the three residential homes.

34 Joann Birkholz, 140 Benton Avenue, stated she is concerned about the Benton Avenue
35 exit and encouraged the City to find a way to address that problem for vehicles and pedestrians
36 regardless of whether this project goes through. She likes Iteration #4 and white trim but would
37 like more enhancement to the west elevation. Ms. Birkholz stated she wants to be sure she has
38 enough space to back out of her driveway

39 Anna Boeder, 123 Benton Avenue, stated support for the project and agreed it is difficult
40 to exit Benton Avenue but not impossible. She stated she found using Benton Avenue to be more
41 safe than using the alleyway. Ms. Boeder asked the Council to attach development of the single-
42 family homes to the opening of the retail space. She also asked that the Council attach conditions
43 to exterior lighting, advertising, and exterior equipment.

44 Marilyn Richter, 152 Benton Avenue, stated the Benton Avenue access has always been
45 an issue and if this is approved, the added traffic will make it much worse. She agreed with the
46 need to find a solution to Benton Avenue. Ms. Richter asked why Hardiboard is not proposed.
47 Mr. Gadow stated it is allowed as an accent material (10%) but not as a primary material without
48 receiving a design deviation. Ms. Richter supported keeping the use of metal to 10%.

49 Ms. Broyles asked what is the square footage of the proposed single-family homes. Mr.
50 Gadow stated footprints were shown on the site plans but they have not yet provided concept
51 plans. Ms. Broyles asked how large is the TCF bank and drive-thrus cross the street. Mr. Gadow

1 stated it is 3,800 sq. ft. with three to four drive-thru lanes. Mr. Mohagen stated the proposed
2 Anchor Bank is 4,000 sq. ft. with two drive-thru lanes.

3
4 **Discussion of PUD Amendment and Traffic Study**

5 The Council addressed the request for a PUD amendment. Mr. Gadow noted the language is
6 specific to the type of use and building location so based on the proposed site plan, that language
7 would have to be modified. The Council acknowledged that going from one to two buildings
8 results in intensification of use as well as traffic.

9 Marie Cote, SRF Consulting, provided a synopsis of the full traffic study completed for
10 the proposed site to assure accurate trip generation estimates for the new uses. She explained
11 how trip estimates were calculated, noting AM and PM counts were conducted based on the
12 current use, and it was determined a high percentage of pass-by trips would be generated. Ms.
13 Cote stated there was concern with the north access to Colonial Square, the current Anchor Bank
14 access, in addition to Elm Lane. She explained how access can be consolidated to better align
15 with the Colonia Square access. Ms. Cote stated SRF had also looked at Benton Avenue and the
16 intersection of Wayzata Boulevard and Superior Boulevard and developed an intersection plan.
17 Signal equipment modifications were also considered to create more gaps in traffic and ease
18 access from Benton Avenue. The City had indicated that would be looked at once the Wayzata
19 Bay Center is completed.

20 Mr. Kelly stated staff would have to look at the current controller in the Superior
21 Boulevard cabinet to determine whether it afforded additional modifications to give Benton
22 Avenue traffic the ability to trigger the signal.

23 The Council discussed the findings of the traffic study and asked questions of Ms. Cote
24 who explained the intersections analyzed are all at acceptable operations grade (C or better). Post
25 project, the intersections would remain at acceptable operations grade; however, side street delay
26 will worsen as well as at Benton. Ms. Cote stated SRF has recommended the southbound
27 approach of Central Avenue be redesigned to have a left turn lane, left through shared lane, and
28 right turn lane to accommodate increase in traffic. That same recommendation has been made
29 consistently over the years for this Hennepin County road. Ms. Cote stated the level of service
30 for future conditions takes into account the full build of the Wayzata Bay Center and this
31 proposed Walgreens. The Council noted that Hennepin County has not yet slated this lane
32 improvement project.

33 Mr. Kohler stated this project will result in the dedication of an additional 15 feet along
34 Central Avenue to accommodate the additional lane design.

35 Messrs. Tanner, Amdal, Mullin, and Willcox spoke in support of the requested PUD
36 amendment conditioned on additional language to require construction of the three single-family
37 homes prior to Walgreens or Anchor Bank being occupied, more intense landscaping, limiting
38 access, relocating the trash enclosure away from the neighborhood and incorporating it into the
39 building, to buffer vehicle headlights from the residential homes, and the Walgreen's building to
40 remain single tenant. Mr. Willcox noted the PUD process allowed the City to require a higher
41 level of design than afforded through a rezoning so the City could ensure construction of the three
42 residential homes and additional screening/buffering to protect the neighborhood. Mrs. Anderson
43 stated while she appreciates that the applicant has improved the plans, this property has an
44 existing PUD and the reasons for placing it remain true and should not be changed. She read a
45 portion of the PUD that had been revised in 1992 indicating it was being considered for rezoning
46 due to the desire to protect the surrounding residential neighborhood. Mrs. Anderson stated she
47 sees no just reasons to consider a PUD amendment other than some residents want to expand their
48 wallets. In addition, if amended, it can be amended again by a future Council to not include the
49 homes that the neighborhood so desperately wants.

Discussion of Concurrent Preliminary and Final Plat

Mr. Kohler stated they are requesting final plat on the south (commercial) and preliminary plat on the north (residential) so they can bring in the final designs for the homes prior to final platting of the residential lots. Mr. Gadow stated regardless, it would be a condition of approval that the Planning Commission and City Council will review the final home designs prior to issuance of a building permit.

Mr. Kohler stated if the road is vacated, it will be one parcel. If the road is not vacated, it would be required to be two parcels. Mr. Gadow stated the final plat of the residential lots would be a future step unless the applicant is ready to present the architecture for each home. In that case, the City can consider concurrent preliminary and final plats conditioned on architecture of the homes coming back for Planning Commission and City Council review prior to building permits being issued.

Discussion of Conditional Use Permit (CUP) for the Drive-thru Banking and Pharmacy Facilities

The Council acknowledged the comments submitted by the neighborhood relating to noise, lighting, and other issues. Mr. Mohagen explained that due to electronic banking, in the last three years there has been a 50% decrease in drive-thru banking and in the next three years, there will be another 50% reduction in drive-thru bank. He noted Anchor Bank is a commercial bank and will use state-of-the art technology. In this case, the drive-thru is more for commercial drop-off and convenience for their customers. It was noted there will be an ATM in the drive-thru.

Mr. Kohler stated the Walgreen's pharmacy drive-thru serves people on medications with reduced immune systems. He explained the speaker volume is low and will not project to assure privacy. In addition, landscaping buffers are proposed so there will be no impact to the residential neighborhood.

Discussion of Project Design Review and Site Plan Review

The Council noted the neighbors have submitted a list of requested conditions including that lighting be dimmed when Walgreens is not open and no signage on the north or west elevations. Mr. Gadow stated the Planning Commission had also addressed the need for dimmable LED lighting.

Discussion of Street Vacation

The Council indicated support of the street vacation as the property (+5,000 sq. ft.) then goes onto the tax rolls, allows larger building sites, increases the buffer from Walgreens to Wayzata Boulevard, and creates the ability to align Colonial Square access points.

Mr. Gadow stated if tabled, the applicant should be asked to waive the 60-day review clock. Mr. Kohler agreed to provide that waiver in writing.

Mr. Amdal made a motion, seconded by Mr. Mullin, to postpone to a future meeting the consideration of the multi-part application for the redevelopment of the existing Anchor Bank site to construct a new smaller Anchor Bank facility on the northeast corner, a new Walgreens building, and three single-family residential lots on the properties at 1055 Wayzata Boulevard, 141 and 155 Central Avenue N., subject to the applicant providing a written waiver of the 60-day review and to direct staff to draft a resolution of approval subject to conditions as discussed tonight and list provided by residents. The motion carried 4/1 (Anderson).

The Council expressed its appreciation to the applicant for involving residents from the start of the process and being responsive to input from staff and the Council.

Mr. Willcox recessed the meeting at 9:06 p.m. The meeting reconvened at 9:11 p.m.

DRAFT RESOLUTION NO. 05-2014

**RESOLUTION APPROVING PUD AMENDMENT, CONCURRENT PRELIMINARY
AND FINAL PLAT, DRIVE-THRU CUPS, PROJECT DESIGN, AND SITE PLAN FOR
1055 WAYZATA BLVD E. AND 141, 155 CENTRAL AVE N**

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

- 1.1 Project. Anchor Bank and the Leo & Algena Lund Partnership (collectively, the “Applicant”) have submitted an application attached hereto as Attachment A (the “Application”) for approval of a new development that would include a new 4,012 SF Anchor Bank building with drive-thru at the northeast corner of the site, a new 14,500 SF Walgreens store with drive-thru, a widened Wooddale Ave, and three (3) new single family detached residential lots (collectively, the “Project”).
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following items:
 - A. Amendment to existing PUD under Section 801.33.9 to allow two commercial structures on the Property and amendment to applicable provisions in a 1992 PUD Contract that governs the Property (collectively, the “PUD Amendment”)
 - B. Concurrent Preliminary and Final Plat Subdivision for approval under Section 805 to adjust lot lines of the Commercial Parcel (the “Commercial Plat”) and Preliminary Plat Subdivision approval under Section 805 to create three (3) Residential Parcels (the “Residential Plat”) (collectively, “the Proposed Subdivision”)(Note: the Final Plat for the Residential Parcels will be formally submitted and reviewed at a later date)
 - C. Drive-thru CUP approval under Sections 801.77.5.C for bank drive-thru and Walgreens drive-thru (the “Drive-thru CUPs”)
 - D. Project Design (“Design”) approval under Section 801.09 (Design Standards) for two (2) commercial structures
 - E. Site Plan approval under Section 801.22 (the “Site Plan”)
 - F. Street Vacation and Public Utility Easement Vacation under Section 70 of the Wayzata City Charter for the vacation and relocation of Elm Lane (the “Street Vacation” and “Public Utility Easement Vacation”) to be effectuated pursuant to ordinance, which will be considered and decided separately by Council (Ordinance No. 744)

- 1.3 Legal Description. The address, property identification number and owners of the property included in the Application (collectively, the “Property”) are:

1055 Wayzata Blvd E	06-117-22-14-0077	First National Bank of Wayzata
141 Central Ave N	06-117-22-14-0005	Leo & Algena Lund Partnership
155 Central Ave N	06-117-22-14-0006	Leo & Algena Lund Partnership

The first parcel above is sometimes referred to in this Resolution as the “Commercial Parcel” and the second and third parcels, as the “Residential Parcels”.

- 1.4 Land Use. The land use designations for the Property are:

	Commercial Parcel	Residential Parcels
Zoning:	Planned Unit Development (PUD)	R-3A Single and Two Family Residential
Comp Plan:	Mixed Use Commercial (MUC)	Low Density Single Family Residential
Design District:	Wayzata Blvd Design District	n/a
Total lot size:	* 142,133 square feet (SF) or 3.26 acres (together with Residential Parcels)	

- 1.5 PUD Agreement. The Commercial Parcel is encumbered by a PUD Contract that was entered into in 1992 and restricts use and further development on the Commercial Property.
- 1.6 Notice. Notice of a public hearing on the Application at the August 5, 2013 Planning Commission Meeting was published in the *Lakeshore Weekly* on July 23, 2013. A copy of the notice was mailed to all property owners located within 350 feet of the Property on July 24, 2013. A notice of the September 16, 2013 Planning Commission Meeting was mailed to all property owners located within 350 feet of the Property on September 10, 2013.
- 1.7 Planning Commission Action. The Planning Commission reviewed the Application and held a public hearing at its August 5, 2013 regular meeting. At the conclusion of that meeting, the Planning Commission moved to continue its

review of the Application and requested additional information from the Applicant for the Planning Commission's September 16, 2013 meeting. The Planning Commission continued review of the Application at its September 16, 2013 meeting, received further public comment, and voted four (4) in favor and three (3) opposed to direct City Staff to prepare a draft Planning Commission Report and Recommendation on the Application for review at its October 7, 2013 meeting. The Planning Commission continued review of the Application at its October 7, 2013 meeting. At that meeting, a motion to recommend approval of the Application to the City Council and adopt the draft Planning Commission Report and Recommendation failed on a vote of two (2) in favor and three (3) opposed, with two (2) commissioners absent. The Planning Commission then voted three (3) in favor and two (2) opposed, with two (2) commissioners absent, to adopt findings of fact and a recommendation of denial of all requests in the Application.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Application Procedures. Any deviation or modification from the terms or conditions of an approved PUD permit or any alteration in a project for which a PUD permit has been approved shall require an amendment of the original permit. An application for amendment of the original PUD permit specifying the proposed variance or alteration shall be submitted to the City, together with a fee established by City Council resolution and such information as is required by the City or as the applicant deems necessary to fully explain his application. Should the applicant request an amendment of a PUD permit to erect an additional building or buildings, the applicant fee therefor shall be established by City Council resolution. In either case, the applicant also shall pay, as an additional fee, any consulting expenses which are incurred by the City in review of the application. The same application and hearing procedure for an amendment of a PUD permit shall be followed as was followed with respect to the applicant's Concept Plan, as outlined in Section 801.33.5.
- B. Action by the Planning Commission and City Council. The same review procedure by the Planning Commission and City Council shall be followed for an amendment of a PUD permit as was followed with respect to the applicant's Concept Plan, outlined in Section 801.33.5 and 801.33.6 of the Zoning Ordinance. The affirmative majority vote (3 of 5) of the City Council shall be required for approval of an amendment of a PUD permit.
- C. Council Discretion. If the Council determines that the proposed PUD project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the Zoning

Ordinance, it may approve the PUD, although it shall not be required to do so. Section 801.33.2.A.

D. Intent and Purpose of PUDs. The PUD process, outlined in Section 801.33 of the Zoning Ordinance, allows deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., for the purpose of encouraging:

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

E. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:

1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report

on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance.

2. Ownership. Applicant/s must own all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.

9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
 10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
 11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
 12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
 13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
 14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.
- F. PUD Agreement. A 1992 PUD Contract encumbers the Commercial Property, which contains numerous restrictions on further development of the Commercial Property. The City Council would need to approve an amendment to this PUD Agreement in order for the Project to be constructed.

2.2 Preliminary and Final Plat.

Chapter 805 of the Wayzata City Code, (the “Subdivision Ordinance”) sets forth the procedure and substantive review criteria for applications for a subdivision. Before any plat can be recorded or of any validity, it must be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of the Subdivision Ordinance. Section 805.15 of the Wayzata Subdivision Ordinance allows the City to review a proposed preliminary and final plat simultaneously.

A. Goals. Under Section 805.2.b of the Subdivision Ordinance, subdivisions approved under the Subdivision Ordinance must be guided by the following:

1. Preserve and enhance Wayzata’s “small town” character (Comprehensive Plan).
2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
3. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
4. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).

B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.

4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all relevant performance standards.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

2.3 Drive-Thru CUPs. A drive through service window is permitted as a conditional use under Sections 801.77.5.C and 801.04.2.F

- A. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
- B. Vehicle Access. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.
- C. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
- D. Drive-through Windows. Service windows shall be allowed if the following additional criteria are satisfied:
 - 1. Stacking. Not less than one hundred eighty (180) feet of segregated automobile stacking lane(s) must be provided for the service window.
 - 2. Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - 3. Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
 - 4. Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.
 - 5. Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 - 6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five (5) feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
 - 7. The provisions of Section 801.04.2.F of the Zoning Ordinance are considered and satisfactorily met. Section 801.04.2.F requires City

Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

2.4 Design Standards.

- A. The design of all new buildings and exterior improvements to the public side of nonresidential and/or multifamily buildings in Wayzata which clearly alter the appearance of a structure are subject to the review and approval of the Wayzata Planning Commission and City Council. City Code Section 801.09.1.5. The relevant design criteria for the "Wayzata Blvd District" which are applicable to the Project are included in the attached Design Critique (Attachment C). There are two (2) deviations requested from the Design Standards for the new buildings that are a part of the Project:
 - 1. Sections 801.09.11.1.A and 801.09.11.1.G – Percent of Accent Materials – More than 10% metal on building facades for the new Anchor Bank and Walgreens buildings
 - 2. Section 801.09.8.4 – Façade Transparency – Less than 50% façade transparency on Wayzata Blvd for new Walgreen building
- B. With the exception of Section 7 of the Design Standards, a deviation from any section of the Design Standards requires a finding by the City Council (after considering the Planning Commission's recommendation) that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
3. The positive effect of the project on the area in which the project is proposed.
4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
6. A national, state or local historic designation.
7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.5 Site Plan.

Site and construction plans must be submitted to and approved by the Building Official prior to the issuance of any building permit. Except in the case of individual single family uses and minor projects, additions or alterations as determined by the Zoning Administrator and all building and site plans as specified by Section 801.09 of this Ordinance shall be subject to review by the Planning Commission and approval by the City Council. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard or specifications without prior submission of a plan modification request to the Building Official for his review and approval. City Code Section 801.22.2-4.

2.6 Street and Public Easement Vacation.

Section 70 of the Wayzata City Charter provides that the City Council shall have the exclusive power, by ordinance passed by a unanimous vote of all the members thereof, to vacate or discontinue highways, streets and alleys within the city. Such vacations may be made only after notice and hearing of affected property owners and upon such further terms and by such procedure as the council may, by ordinance, prescribe. A record of each such vacation shall be filed in the office of the Register of Deeds of Hennepin County.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the PUD Amendment, Concurrent Preliminary and Final Plat Subdivision, Drive-Thru CUPs, Design, Site Plan, and Street Vacation depicted in the Application and subsequent submittals by the Applicant, if approved with the conditions set forth in this approval resolution, would meet the applicable requirements of Wayzata's Design Standards, Wayzata's Zoning Ordinance and Subdivision Ordinance, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 PUD Amendment.

- A. Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance and Section 2.1 of this Resolution. Comments of persons appearing before the Planning Commission at the Public Hearing were mixed, with some neighbors favoring the Project and some against. The main concerns of the Planning Commission with the Amended PUD centered on traffic impacts, impacts to the adjacent residential neighborhood, and potential intensification of use the site. The conditions placed on the approval of the Amended PUD in this Resolution are intended to address these concerns.
- B. General Standards. The Amended PUD, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.33.2.A and in Section 2.1 of this Resolution. The following standards are met:
 1. Application Complete. The Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.
 2. Ownership. All of the property to be included in the Amended PUD is owned by Applicant.
 3. Comprehensive Plan. The proposed Amended PUD conforms with the applicable guidance of, and is consistent with the goals of the Comprehensive Plan.
 4. Common Space. The Amended PUD would provide sufficient common private or public open space and facilities.

5. Landscaping. Landscaping in the Amended PUD would be according to a detailed plan approved by the City Council.
6. Health, Safety, and Welfare. Provided the recommended conditions of approval are met, the Amended PUD would not have a negative effect on the welfare of residents of the community and the surrounding area.

3.2 Preliminary and Final Plat.

- A. Goals. The Proposed Subdivision is consistent with the goals of the Subdivision Ordinance.
- B. Criteria for Approval.
 1. The Project associated with the Proposed Subdivision is consistent with the Wayzata Comprehensive Plan. The proposed Subdivision conforms with commercial use and low density single family residential development for this area. The proposed lot combination would provide for the redesign and realignment of Elm Lane to serve as an access point for the commercial components and the platting of two existing residential lots into three single family residential lots which would meet the R-3A District lot area minimums.
 2. The commercial building pads associated with the Project ("Proposed Building Pads") would not negatively impact any sensitive areas. The proposed commercial building pads utilize the existing Anchor Bank site. The Applicant has provided a landscaping plan for the screening of the two commercial new buildings to the adjacent residential neighborhood. The Applicant has provided three conceptual building pads for the three residential lots, however would be required to return to the Planning Commission and City Council for review of final building pad locations prior any construction activity of the Residential Parcels.
 3. The Proposed Building Pads have been selected and located with respect to natural topography to minimize filling or grading. The Project proposes some grading work for the building pad locations and realignment of Elm Lane, but will utilize the existing Anchor Bank site for the location of the new structures.
 4. Existing significant trees would be retained where possible on the Property. As part of the Project, there would be a net reduction of 39 trees on the entire site but additional trees would be planted when the Residential Parcels are developed.

5. The Proposed Subdivision would not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas as it would be consistent with the surrounding area. Further review and approval of the building plans for the residential lots of the Project within the Subdivision would be required as a condition of approval.
6. The design of the lots, the proposed building pads, and the site layout of the Proposed Subdivision responds to and is reflective of the surrounding lots and neighborhood character. The residential building pads would be required to come back for additional review and approval, but are similar in size to other properties in the area. The Project proposes to screen the adjacent residential properties from the two commercial uses.
7. The lot sizes that result from the Proposed Subdivision would not be dissimilar from adjacent lots or lots found in the surrounding neighborhood. The proposed lot sizes are similar to other residential properties in the adjacent area. The proposed lot sizes for the Residential Plat are similar to those in the area. The proposed lots conform with and exceed the R-3A District and Comprehensive Plan minimums for lot area. The commercial lots sizes are similar to other commercial lots in the area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings for the new residential lots created by the Subdivision is not known at this time but would presumably be similar to the characteristics and quality of existing development in the City and neighborhood. Further review and approval of the building plans for the residential lots within the Subdivision should be required as a condition of approval. The Applicant has provided design review submittals for the two commercial components of the Application in Attachment C of the Staff Report. At this time, the Applicant does not have single family residential design plans completed for the three residential lots, but will provide those plans for review at a future time. As a condition of approval, the Applicant and/or future homeowner shall be required to submit plans for review and approval by the City depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the residential structures proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.e.8 and 805.14.e.9.

9. The proposed lot layout and Proposed Building Pads of the Proposed Subdivision would conform will all relevant performance standards. The proposed lot layout for the three residential lots meets the performance requirements of R-3A District. As a condition of any approval, the specific building pad design will be reviewed by the Planning Commission and City Council at a future date.
 10. The Proposed Subdivision is not likely to tend to or actually depreciate the values of neighboring properties in the area in which the Subdivision is proposed. The Project includes screening of the commercial activity to the adjacent residential properties to the west.
 11. The Proposed Subdivision would be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.
- C. Parkland Dedication. The Applicant shall be required to pay a minimum of two thousand five hundred dollars (\$2,500.00) or ten percent (10%) of the determined land value, whichever is greater, for Parkland Dedication fees, as required under Section 805.37(i)(1) of the Subdivision Ordinance for the creation of each new single-family lot.

3.3 Drive-Thru CUPs.

- A. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the new proposed Anchor Bank building, new proposed Walgreens building, and site would not be dissimilar to the existing nearby commercial and residential buildings, and would not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
- B. Vehicle Access. Vehicular access points would be limited, and create a minimum of conflict with through traffic movements.
- C. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings would be surfaced with a material which will control dust and drainage.
- D. Drive-through Windows. The following criteria for service windows would be satisfied:
 1. Stacking. Not less than one hundred eighty (180) feet of segregated automobile stacking lane(s) must be provided for the service window. The site contains 180 feet of stacking and

adjacent drive lanes for vehicle queuing for both drive-thru operations.

2. Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
3. Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
4. Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.
5. Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five (5) feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
7. General CUP Criteria:
 - A. The use/s associated with the Drive-thru CUP (the "Proposed Use") does not contravene any specific policies and provisions of the official City Comprehensive Plan.
 - B. The Proposed Use conforms with present and future land uses in the area. The Commercial Parcel is currently guided for Mixed Use Commercial in the City Comprehensive Plan.
 - C. Other than those aspects of the Proposed Use for which a design deviation has been requested, the Proposed Use will not affect performance standards contained in the Zoning Ordinance.
 - D. The Proposed Use will not have a significant impact upon property values in the adjacent Residential and Commercial Districts.

- E. The Proposed Use will not generate traffic that would have a negative impact on the surrounding area according to traffic studies conducted on the Project by the Applicant and the City.
- F. The Proposed Use will not have a negative impact on the surrounding area.
- G. The Proposed Use is compatible or will be required to be compatible with all of the performance standards contained in Section 801.77.5.C as a conditional of approval.

3.4 Project Design Review.

- A. The Project Design as proposed in the Application meets the criteria of the applicable Design Standards as described in Attachment C, with the exception of the following Design deviations noted in the Design Critique:
 - 1. Sections 801.09.11.1.A and 801.09.11.1.G – Percent of Accent Materials – More than 10% metal on building facades for the new Anchor Bank and Walgreens buildings
 - 2. Section 801.09.8.4 – Façade Transparency – Less than 50% façade transparency on Wayzata Blvd for new Walgreen building
- B. The negative impact of such deviations is outweighed by the positive effect the Project will have on the area in which it is proposed due to the use of high quality materials.

3.5 Site Plan. The current Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance. As a condition of approval, prior to the issuance of any building permits for the Property, the final Site Plan shall be reviewed and approved by Staff to ensure conformance with the approved PUD Plan.

3.6 Street and Public Utility Easement Vacation. Vacating and relocating Elm Avenue, and vacating certain public utility easements as proposed in the Project is a necessary component of the overall Project as currently proposed and has the potential to improve the traffic flow in the area by realigning the curb cut from the Commercial Parcels with the curb cut to the adjacent Colonial Square shopping center on the east side of Central Ave. The realignment of the curb cut as part of the Project is supported by Hennepin County to improve traffic circulation.

Section 4. CITY COUNCIL ACTION

Based on the Findings of this Resolution, the City Council takes the following action (failure to comply with any one of the conditions of approval shall result in the revocation of the approval conditioned thereby):

4.1 PUD Amendment. The request for approval of the PUD Amendment, as set forth in the Application, is **APPROVED**, subject to the following conditions, which shall be made a part of the PUD Amendment:

- A. Development Agreement. The Applicant must enter into a development agreement, binding it and all future owners of the Property, addressing matters related to the Project, in form and content acceptable to City Staff and the City Attorney, setting forth the approvals granted in this Resolution along with all applicable conditions, the major concerns the conditions are intended to address, the details on the timing and stages of the various phases of the Project, and a requirement that the commercial operations that are part of the Project may not be open for business until a certificate of occupancy has been issued for the first house constructed on the Residential Parcels that are a part of the Project.
- B. Deed Restriction. The Applicant must agree to and file a deed restriction for the Residential Parcels that are part of the Project, restricting each parcel to single family residential uses.
- C. Construction Times and Timing.
 - 1. All construction and related work on the Project must be limited to normal business hours as defined in City Code. If it is necessary to work on the weekend, work may start no earlier than 9am.
 - 2. Walgreens and Anchor Bank may not be open for business until a certificate of occupancy has been issued for the first house constructed on the Residential Parcels that are a part of the Project.
- D. PUD Requirements.
 - 1. All new tree plantings shall be at least three (3) caliper inches in diameter.
 - 2. All parking lot lights shall be downward facing, be equipped with shields around the light source, and all illuminated signage shall be equipped with dimmers.

3. HVAC equipment or similar building equipment must be screened from view of adjacent properties.
4. All garbage receptacles within the PUD shall be located within the respective buildings or sufficiently screened so that they are not visible from adjacent properties. Garbage pickup times must occur between 8:00 a.m and 8:00 p.m.
5. The emergency access point depicted on the PUD Plan must be built as specified in the PUD Plan so as not to be obtrusive to the adjacent neighborhood.
6. Lighted exterior signage shall be restricted to the south and east facing exterior walls of the buildings in the PUD. No lighted exterior signage may exist on the north or west sides of the buildings in the PUD. All illuminated signage must be equipped with dimmers and be turned off in the evening at the close of business operation.
7. Outside lighting (other than permitted signage) must be downward facing with shield protection.
8. All reasonable efforts must be made to shield the sounds emanating from the speakers of the Walgreens and Anchor Bank drive-thrus from reaching the adjacent neighborhood, including shielding barriers to the west of the drive-thru windows.
9. Landscaping within the PUD (Attachment D) shall be dense and adequate to screen the buildings and access point from the Benton Avenue neighborhood. Landscaping will include a variety of types of trees, including evergreens and deciduous trees with multiple heights. Responsibility for maintaining and as replacing landscaping shall be the ongoing responsibility of the property tenants and owners.
10. A walking path, as depicted on the PUD Plan, between the adjacent neighborhood and Central Avenue shall be included in the PUD and maintained by the owner of the Commercial Parcels.
11. The drainage plan for the Property must be reviewed and approved by the City Engineer to ensure proper flow away from the adjacent neighborhood and towards Central Ave N.
12. The Applicant must construct the commercial building designs as included in the Application, and depicted on Attachment B.

13. The Applicant must construct the proposed modifications to Wooddale Ave and the private driveway to the Residential Parcels to meet State Fire Code requirements and provide adequate space for snow removal and vehicle traffic.

D. Operational Requirements.

1. Walgreens may not be open for business between 10:00 p.m. and 6:00 a.m., and deliveries and garbage pickup may only occur between 8:00 a.m. and 8:00 p.m.
2. The exterior of Walgreens must remain free of outside storage and product offerings, such as a Redbox dispenser, salt bags, firewood, propane tanks and other store merchandise.
3. No advertisements, banners or similar material may appear on the windows of or exterior walls of the Walgreens or the Anchor Bank buildings.
4. All Walgreens and Anchor Bank signage must be dimmed at night after each business is closed until open for business the following day.
5. Drive-thru speakers at Walgreens and Anchor Bank must be kept at the lowest decibel volume possible for acceptable operation.
6. Garbage pickup times must occur during permitted business hours.
7. Responsibility for maintaining and as replacing landscaping within the PUD shall be the ongoing responsibility of the property tenants and owners.
8. Maintenance and upkeep of the walking path between the adjacent neighborhood and Central Avenue shall be the ongoing responsibility of the property tenants and owners.
9. Garbage and dumpsters must be located within the interior of the Walgreens and Anchor Bank structures or be sufficiently screened from adjacent residential properties.

E. Recording. The Applicant must record the deed restriction, PUD Amendment and Development Agreement with the appropriate officials at Hennepin County.

- F. City Expenses. All expenses of the City of Wayzata related to the review of the Application and Project, including consultant, expert, legal, and planning fees incurred, must be fully reimbursed by the Applicant.
 - G. Other Permits. The Applicant must secure all necessary building, grading or other such permits for construction, and follow all laws and regulations applicable to the Project. The Applicant must also secure any necessary permits required by Hennepin County and comply with their requirements for Right-of-Way dedication and access realignment.
 - H. The Street Vacation being approved.
- 4.2 Proposed Subdivision. The request for approval of the Proposed Subdivision (for the Commercial Parcel and the Residential Parcels), as set forth in the Application and depicted in Attachment E, is hereby **APPROVED**, subject to the following conditions:
- A. The PUD Amendment being approved.
 - B. The Street Vacation being approved.
 - C. The Applicant and/or future homeowner submit plans for review and approval by the City depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the residential structures proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.e.8 and 805.14.e.9.
 - C. The Applicant and/or future homeowner/s submit a final plat for the Residential Parcels for review by the Planning Commission, and obtain the approval of City Council for that final plat.
 - D. The Applicant pay the required parkland dedication fees for the subdivision of the Residential Property.
 - E. The Applicant records the Commercial Parcel Final Plat document with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7, and provides a recorded copy to the City.
- 4.3 Drive-Thru CUPs. The request for approval of the Drive-thru CUPs, as set forth in the Application, is hereby **APPROVED**, provided the PUD Amendment is approved and the Applicant and any future owner of the Commercial Parcel comply with all of the applicable Zoning Ordinance criteria for Drive-thru CUPs.

- 4.4 Project Design. The request for approval of the Project Design and requested deviations, as set forth in the Application, and depicted in Attachment B, is hereby **APPROVED** subject to the conditions that the PUD Amendment are approved.
- 4.5 Site Plan. The request for approval of the Site Plan, as set forth in the Application, is hereby **APPROVED** subject to the conditions that the PUD Amendment and Street Vacation are approved and that prior to the issuance of any building permits for the Property, the final Site Plan must be reviewed and approved by City Staff to ensure conformance with the approved PUD Plan.

Adopted by the Wayzata City Council this ____ day of January, 2014.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2014.

Becky Malone, Deputy City Clerk
SEAL

Attachment A
Applicant Submittals

Attachment B
Project Building Plans

Attachment C
Staff Design Critique

Attachment D
Landscape Plan

Attachment E
Concurrent Preliminary and Final Plats

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 744

**AN ORDINANCE VACATING CERTAIN CITY RIGHT OF WAY
AND PUBLIC UTILITY EASEMENTS**

WHEREAS, the City Council of the City of Wayzata, pursuant to Section 70 of the Wayzata City Charter and to due notice given to all affected property owners, in connection with the approval of a project at 1055 Wayzata Blvd E, 141 and 155 Central Ave N (the "Project") described more fully in City Council Resolution 05-2014 (the "Resolution"), has heretofore conducted a public hearing of all affected property owners wishing to participate on the vacation of City Right of Way known as "Elm Lane" and certain public utility easements, said portions hereof depicted on the attached Exhibit A and legally described on the attached Exhibit B;

WHEREAS, the City has approved the Project pursuant to the Resolution, and said vacation is necessary for the Project to proceed in accordance with the approved, best plans for the Project; and
; and

WHEREAS, all persons present at said public hearing were given the opportunity to be heard.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS that the City Right of Way and Public Utility Easements depicted on the attached Exhibits are hereby vacated.

Section 2. Effective Date. This ordinance shall be in full force and effect after its passage and publication according to law, and after the completion of "Phase 1" of the Project as defined in the Resolution.

Adopted by the City Council of Wayzata, Minnesota this _____ day of _____, 2014.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

First Reading:
Second Reading:
Publication:

Exhibit A

CONTACT:

Jon Kohler, A.J.A.
SEMPER DEVELOPMENT
Suite 1275
80 S. 8th Street
IDS Center
Minneapolis, Minnesota 55402
Phone: 612-332-1500

COUNTY/CITY:
HENNEPIN
COUNTY
CITY OF
WAYZATA

DATE	REVISION
1-21-13	INITIAL ISSUE
6-12-13	PRELIMINARY PLAT
6-18-13	PRELIMINARY PLAT
7-02-13	CHANGE TREE SHADING / CITY
7-03-13	EASEMENT LABELS
9-04-13	ADDITIONAL R/W

CERTIFICATION:

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the state of MINNESOTA.

Date: 6-12-13

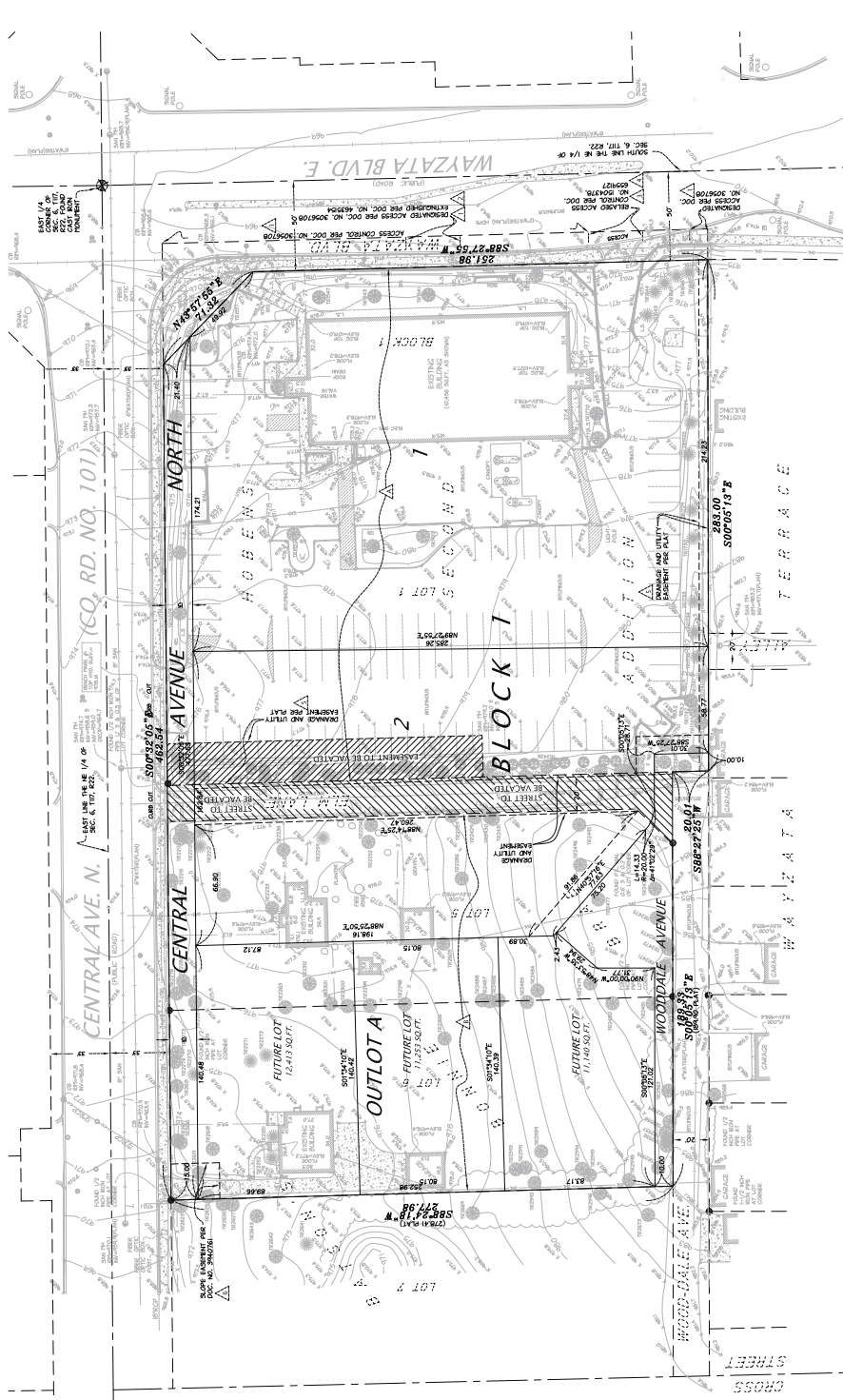
PROJECT LOCATION:

1055
WAYZATA BLVD. E.
PID#0611722140077
PID#0611722140005
PID#0611722140006
PID#0611722140007

Suite #1
6750 Sullwater Blvd. N.
Sullwater, MN 55082
Phone 651 275.8969
Fax 651 275.8976
dan@
cssurvey
.net

CORNERSTONE
LAND SURVEYING, INC.

FILE NAME	SURVS044
PROJECT NO.	SD13041

PRELIMINARY
PLAT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE LOCATION OF THE UTILITIES SHOWN IS 130080567, 130080568, 130080570, 130080571. SOME MAPS WERE RECEIVED, WHILE OTHER UTILITIES DID NOT RESPOND TO THE LOCATE REQUEST. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST. AT THIS TIME WE WERE NOT MARKED UP. OTHER UTILITIES EXIST ON THIS THIS THAT WERE NOT MARKED UP.

①	PIPE SET 1.2" BORN	GAS VALVE LINE
②	PIPE MARKED NLS 2718	TELEPHONE LINE
③	• DNOTES FOUND IRON MONUMENT	OVERHEAD LINE
④	WATER VALVES	STORM SEWER LINE
⑤	CAUTION RASIN STORM MH	CHIMNEY PENCE
⑥	CULVERT F.E.S.	CONCRETE
⑦	• SANITARY MANHOLE	SPOT ELEVATION
⑧	CLEAN OUT	TREE SHRUB
⑨	UTILITY POLE	ELECTRIC METER
⑩	• LIGHT POLE	1 FOOT CONTORUR INTERVAL
⑪	• HAND HOLE	
⑫	•	

PROPOSED STREET VACATION
That particular portion of the property of EASTON'S BONNY BAE ADDITION TO WAYZATA MINN. which lies easterly of the southerly extension of the centerline of the street known as EASTON'S BONNY BAE ADDITION TO WAYZATA MINN.

The following Guarantees are as shown on the above referenced First American Title Insurance Company's Title Commitment No.
NC-95807-DMSI, dated March 15th, 2012.

(A) Unobstructed access to former Truck Highway 12 from Wayzata Blvd., as shown by the retail in the Certificate of Title for the Land Parcel located at Lot 6 & 7, Block 1, Subdivision 1, City of Minnetonka, MN. Said Certificate per Document No. CSE#2018 AS SHOWN ON SURVEY;

(B) Conveyance and Entanglement of Right of Access per Doc. No. 6034467 NOT SHOWN ON SURVEY,

(C) Quiet Claim Deed per Doc. No. 1504278 AS SHOWN ON SURVEY AND

(D) Outright Used per Doc. No. 6533127 AS SHOWN ON SURVEY)

11. Terms, conditions of the Contract for Reasoning per Document No. 6034467 NOT SHOWN ON SURVEY,

12. Easement rights reserved on the plat of Jobbers
AS SHOWN ON SURVEY).

The following Legal Description is as shown on First American Title Commitment No. NCS-536827-MPS, dated March 15, 2012.

Lot 1 (Block 1, Hobens Second Addition, Hennegun County, Minnesota. (Abstract & Certificate of Title No. 787182)

The following Legal Description is as shown on First American Title Insurance Company's Title Commitment No. NCS-536821-MPS, dated March 21, 2012.

Lots 5 and 6, Ratson's Bonnie Brook Addition to Wayzata, Hennegun County, Minnesota. (Abstract Property)

THE ABOVE PARCEL ARE NOT CONTIGUOUS

TOTAL AREA = 142,053 SQ. FT. / 3.26 ACRES
EXISTING PARCEL A = 63,878 SQ. FT.
EXISTING PARCEL B = 58,175 SQ. FT.
VACATED STREET = 5,794 SQ. FT.
TOTAL = 147,847 SQ. FT. / 3.394 ACRES
PROPOSED LOT 1 = 59,957 SQ. FT.
PROPOSED LOT 2 = 40,880 SQ. FT.
PROPOSED LOT 3 = 12,520 SQ. FT.
PROPOSED LOT 4 = 11,243 SQ. FT.
PROPOSED LOT 5 = 11,140 SQ. FT.
CENTRAL AVE. N = 7,052 SQ. FT.
WOODDALE AVE. = 5,142 SQ. FT.
TOTAL = 147,847 SQ. FT.

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES IN AN AREA DESIGNATED AS ZONE X FOR COMMUNITY PANEL NO. 27053C0307E WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2004.

THERE ARE 114 VISIBLE PARKING STALLS DESIGNATED ON THIS PARCEL INCLUDING 2 HANDICAP STALLS.

ELEVATIONS BASED ON INFORMATION AS SHOWN ON THE CITY OF WAYZATA WEBSITE TOP MOUNT HYDRANT AT FILM LANE AND CENTRAL AVENUE -- 978.14

Map of the study area in the City of Madison, Minnesota. The map shows the Mississippi River, I-90, and various streets including 1st St, 2nd St, 3rd St, 4th St, 5th St, 6th St, 7th St, 8th St, 9th St, 10th St, 11th St, 12th St, 13th St, 14th St, 15th St, 16th St, 17th St, 18th St, 19th St, 20th St, 21st St, 22nd St, 23rd St, 24th St, 25th St, 26th St, 27th St, 28th St, 29th St, 30th St, 31st St, 32nd St, 33rd St, 34th St, 35th St, 36th St, 37th St, 38th St, 39th St, 40th St, 41st St, 42nd St, 43rd St, 44th St, 45th St, 46th St, 47th St, 48th St, 49th St, 50th St, 51st St, 52nd St, 53rd St, 54th St, 55th St, 56th St, 57th St, 58th St, 59th St, 60th St, 61st St, 62nd St, 63rd St, 64th St, 65th St, 66th St, 67th St, 68th St, 69th St, 70th St, 71st St, 72nd St, 73rd St, 74th St, 75th St, 76th St, 77th St, 78th St, 79th St, 80th St, 81st St, 82nd St, 83rd St, 84th St, 85th St, 86th St, 87th St, 88th St, 89th St, 90th St, 91st St, 92nd St, 93rd St, 94th St, 95th St, 96th St, 97th St, 98th St, 99th St, 100th St. A north arrow and a scale bar (1 inch = 30 feet) are also present.

Exhibit B

Legal Description of Parcels and Easements Involved in Vacation

1. That portion of Elm Lane and that portion of Wooddale Avenue as dedicated on the plat of BASTON'S BONNY BRAE ADDITION TO WAYZATA, MINNESOTA which lies easterly of the southerly extension of the most westerly line of Lots 5, said BASTON'S BONNY BRAE ADDITION TO WAYZATA, MINNESOTA.
2. That particular Drainage and Utility Easement as dedicated on the plat of HOBENS SECOND ADDITION described as being the north 23.00 feet of the east 175.00 feet of Lot 1, Block 1 of said HOBENS SECOND ADDITION.



**Planning Report
Wayzata City Council
January 21, 2014**

Project Name: 1409 Holdridge Terrace Subdivision
File Number: PR 2013-10
Applicant/Owner: Lakewest Development Co, LLC
Address of Request: 1409 Holdridge Terrace
Property ID #s: 04-117-22-32-0024
Prepared by: Bryan Gadow, City Planner
Planning Commission Review: December 2, 2013 and January 6, 2014
City Council Review: January 21, 2014

PROJECT SUMMARY

Section 1. Development Application

- 1.1. General. Lakewest Development Co, LLC (the "Applicant") has purchased the property at 1409 Holdridge Terrace (the "Property"), and submitted a Development Application (the "Application") requesting concurrent preliminary and final plat subdivision approval (the "Subdivision" or the "Preliminary/Final Plat") for a three (3) lot subdivision on the above-referenced 2.3 acre property (the "Project"). The Project would keep the existing single family home on one lot, and construct two (2) new single family homes on the two (2) newly created lots.

Along with the Development Application, the following plans are included with this Application as Attachments A and B:

- Preliminary Plat with Tree Inventory
- Final Plat
- Utility and Grading Plan
- Building Elevations and Floor Plan
- Landscape/Screening Plan

1.2 Project Location.

The proposed Subdivision is located in the Holdridge neighborhood along the Wayzata Blvd frontage road adjacent to Hwy 12.

Map 1: Project Location.



The property identification numbers and owners for the Property involved in the proposed Application is as follows:

1409 Holdridge Terrace	04-117-22-32-0024	Gary E. Briggs
------------------------	-------------------	----------------

1.3 Area Land Uses.

Uses in the general vicinity are single family residential. The Property is located in the R-2 Medium Density Single Family (15,000 square footage minimum lot sizes). The area is guided for Low Density Single Family in the Comprehensive Plan.

1.4 Public Hearing Notice.

Zoning Ordinance Section 805.14 requires the Planning Commission to hold a public hearing on the Subdivision Application. The Notice of Public Hearing was published in the *Lakeshore Weekly* on November 19, 2013. A copy of the Notice of Public Hearing was also mailed to all property owners located within 350 feet of the subject Property on November 21, 2013.

1.5 Planning Commission Meeting Summary.

The Planning Commission reviewed the request and held a public hearing on subdivision on December 2, 2013. Two (2) individuals spoke on the application. Public comment received on the Application is included as Attachment E. The Planning Commission requested additional informational from the Applicant and voted to continue review of the Application to a future meeting on a four (4) in favor and zero (0) opposed vote. The Planning Commission continued review of the Application on January 6, 2014 and voted four (4) in favor and zero (0) opposed to recommend approval of the Application with conditions to the City Council. A copy of the Planning Commission's December 2, 2013 and January 6, 2014 minutes are included as Attachments F and G.

A draft approval resolution based on the Planning Commission's recommendation is included as Attachment H.

1.6 Additional Information Requested by the Planning Commission.

At their December 2, 2013 meeting, the Planning Commission began their review of the Application, and asked the Applicant to provide a number of additional pieces of information to assist them in completing their review. Below is a summary of the additional information requested on the Application:

A. Detailed Grading Plan with Cut/Fill Calculations:

The Applicant has provided a grading plan for the three lots. The grading plan shows the proposed new contours based on the proposed fill, and the location of the silt fence for erosion protection. The Applicant's engineer has also included the proposed fill calculations for Lots 2 (90 Cubic Yards of fill) and Lot 3 (550 Cubic Yards of fill).

The City Engineer has reviewed the Grading Plan and the proposed fill calculations, and provided the following analysis of the plans:

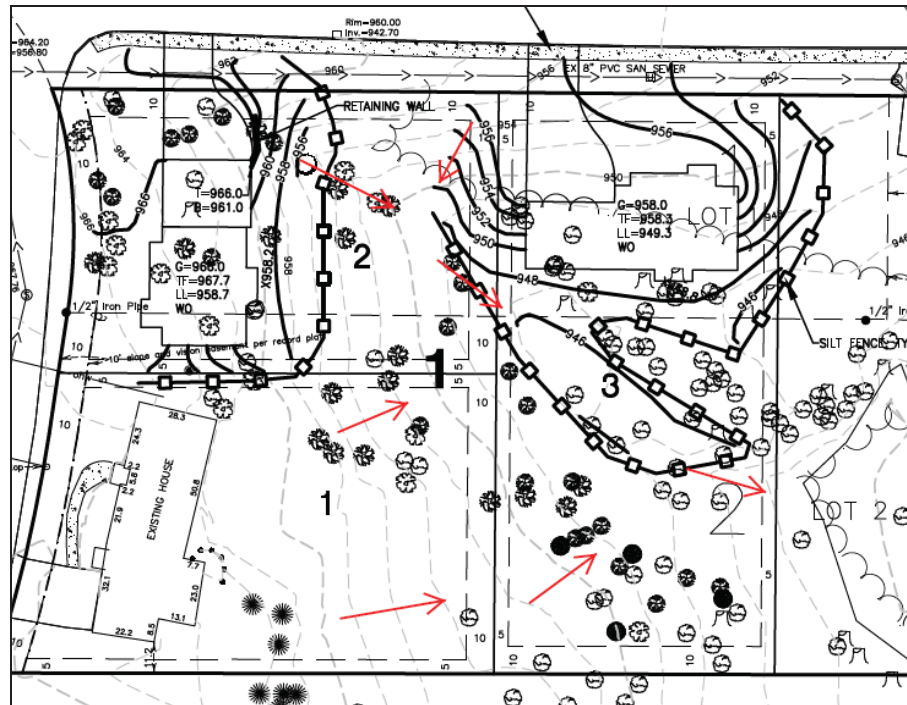
Under the City Code, an applicant cannot change the average grade of a site by more than two (2) feet over the whole site without City Council approval. For Lot 3, with a lot area of 20,748 SF, this would equate to 1,535 Cubic Yards of cut/fill. The proposed fill of 550 Cubic Yards for Lot 3 would be well under the 2 ft average in the code.

Lot 2 has an area of 15,492 SF, which would equate to an allowance of 1,146 Cubic Yards of cut/fill. The proposed fill of 90 Cubic Yards for Lot 2 would also be well under the 2 ft average in the code.

If the subdivision is approved, the Applicant would be required to receive a grading permit, and ensure that proper grading and erosion control techniques are utilized, and would be field verified.

B. Drainage Plan for All Lots

The Applicant's engineer also provided calculations for water runoff on the properties based on 2 yr, 10 yr, and 100 yr rainfall events (Attachment C). The Applicant's engineer will attend the meeting to provide further analysis of the runoff and drainage information, and address questions regarding water drainage. In addition, the City Engineer has reviewed the drainage plan and calculations, and has requested a water flow line analysis similar to the image below:



The Applicant has revised their drainage plan to include the water flow lines. Based on site topography, it appears that water from Lots 1 and 2 drains across Lot 3 to the low wetland area and then onto the wetland area in Outlot A. The Applicant's engineer will be in attendance to provide more detail on the drainage for the properties.

C. Proposed Landscape/Screening Plan

The Applicant has also provided an illustrated preliminary landscape and screening plan for the properties. The plan proposes to plant a mixture of 22 deciduous and coniferous trees and 46 shrubs on Lots 2 and 3. The Plan includes a planting inventory. Staff sent the proposed landscaping plan to the City's tree consultant, Mr. Manuel Jordan of Heritage Shade Tree Consultants, for review and comment. The City's tree consultant's comments are included as Attachment D. The Applicant has revised their landscape plan and tree inventory to incorporate the City tree consultant's comments. In addition, the Planning Commission requested the planting of 10 additional trees to provide more screening to adjacent properties. The Landscape Plan has been updated to reflect the ten additional trees for a total of 32 trees to be planted.

D. Verify Tree Inventory and Removal Figures

Per the Commission's request, the Applicant has revised the tree inventory and removal calculations to exclude the undeveloped Outlot A and only include Lots 1, 2, and 3. For Lots 1, 2, and 3, the total number of significant trees is 133. As part of the development of Lots 2 and 3, 52 trees are proposed to be removed for construction of the houses and grading (39.1%).

E. Additional Detail on Building Design

The Applicant has provided an illustration of the proposed house design with an inventory of proposed building materials. The Applicant's architect is working on a building material sample board, which they hope to have finished for the City Council meeting.

F. Potential Condition of Approval

At the December 2nd meeting, the Commission discussed the possible condition of approval that the proposed house on Lot 3 would be required to remain in the north section of the parcel as shown on the preliminary plat, and could not be moved further to the south. This is to prevent impacts to the adjacent residential properties to the south. The Applicant indicated on December 2nd that they were agreeable to this condition. This condition was added to the draft approval Resolution No. 06-2014 ([Attachment H](#))

SECTION 2. ANALYSIS OF CURRENT DEVELOPMENT PROPOSAL

2.1 Lot Arrangement.

The Subdivision consists of 3 parcels, together totaling 2.3 acres or 125,279 SF. All of the lots proposed would exceed the R-2 District minimum of 15,000 SF.

Table 1: Proposed Lot Sizes

Lot	Lot Size (SF)
1	17,144
2	15,492
3	20,748
Outlot A (Undeveloped Wetland)	71,895

The Property contains a wetland on the southeastern portion, which is proposed to be platted as Outlot A to maintain the wetland in its present unaltered state. That portion of the property would be undevelopable due to the wetland buffer setbacks. In addition, north of the wetland is a parcel of MnDOT Right of Way, which contains a lift station. This parcel has a permanent easement over it, and would not be impacted by this Subdivision.

2.2 Zoning.

The Property is located in the R-2, Medium Density Single Family District. The R-2 District prescribes minimum design criteria for the creation of lots and platting of land. The following minimum standards for the R-2 District apply to this Preliminary/Final Plat:

Table 2: R-2 Zoning District Requirements

R-2 District	Standard
Minimum Lot Area	15,000 square feet
Minimum Lot Width	100 feet

Minimum Lot Depth	100 feet
Front Yard Setback (min.)	25 feet
Side Yard Setback (min.)	10 feet
Rear Yard Setback (min.)	20 feet
Lot Coverage	20%
Impervious Surface	30%

As shown on the submitted Plat, the proposed division would result in three (3) buildable parcels that would meet minimum standards of the R-2 District and therefore would be conforming lots.

Table 3: Proposed Development Plan

	Lot 1	Lot 2	Lot 3
Lot Area	17,744 SF	15,492 SF	20,748 SF
Lot Width	110 ft	100 ft	100 ft
Lot Depth	156 ft	156 ft	207 ft
Front Yard Setback	30 ft	25 ft	25.3 ft
Side Yard Setback	11.2 ft	10 ft	10.1 ft
Rear Yard Setback	107 ft	85 ft	140 ft
Lot Coverage	2,447 SF (13.8%)	2,248 SF (14.5%)	2,297 SF (11.1%)
Impervious Surface	3,340 SF (18.8%)	2,939 SF (19.0%)	3,322 SF (16.0%)

The Applicant has provided an illustrated rendering and floor plans for the proposed two new residences on Lots 2 and 3, which are included as Attachment B. The existing residence would remain on Lot 1.

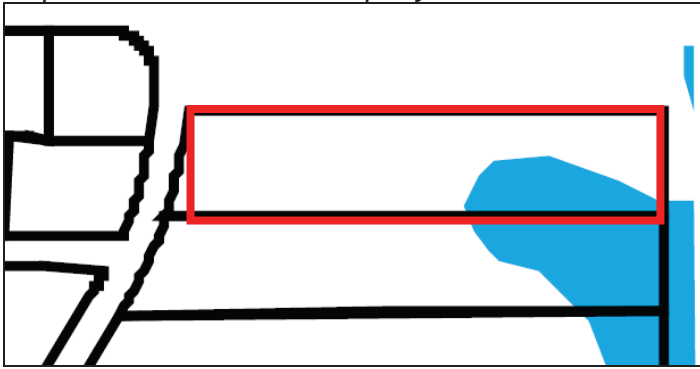
2.3 Water and Sewer.

The Project includes a utility plan (Attachment A) to connect to sanitary sewer and water lines that are located in the adjacent frontage road.

2.4 Wetland Areas.

The Property contains one wetland on the eastern end of the Property. The wetland portion of the Property is proposed to be platted as an Outlot.

Map 2: Wetlands on the Property



2.5 Tree Inventory.

The Applicant has included an inventory of existing significant trees on the Property. The Project proposes to remove 52 trees of the 133 existing trees or 39.1% on the Property for the location of building pads for the two residences on Lots 2 and 3. This calculation excludes trees that exist on Outlot A and are not impacted by the subdivision. The Applicant will plant additional screening trees on Lots 2 and 3, per a preliminary landscape/screening plan.

Section 3. Applicable Code Provisions for Review

3.1 Subdivision Ordinance

Section 805.14(e) provides criteria for the Planning Commission to evaluate when reviewing a Preliminary Plat. In this review, the Planning Commission should determine if the proposed subdivision would have an adverse impact on the site or surrounding area. The following are the factors from this section for consideration. Included is Staff's evaluation of each of the factors.

- A. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.

The proposed Subdivision conforms with low density development for this residential area. Lot sizes meet the 15,000 SF minimum of an R-2 area.

- B. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.

Approximately 52 trees will need to be removed as a result of the construction of the two new homes on Lots 2 and 3 of the Project. The Applicant will plant 32 new trees on Lot 2 and 3. The Applicant should confer with the City Parks Department prior to the remove of any trees. The Planning Commission and City Council should comment on amount of tree loss and preservation proposed as part of the Project.

- C. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.

The property does have an elevation change, with a higher elevation at the street sloping down towards the interior of the property. The Applicant is proposing walkouts for both new single family homes. The Project would propose to add fill on the north side of Lots 2 and 3 in order to site the homes at or above the elevation of the street for drainage purposes. Fill is minimized towards the rear portions of Lots 2 and 3 to match the existing lower elevations for the walkout portions of the proposed structures. A grading plan and cut and fill calculations were submitted as part of the Application and will need final review and approval by the City Engineer prior to any construction work so that land disruption is minimized.

- D. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.

Approximately 52 trees will need to be removed as a result of the construction of the two new homes on Lots 2 and 3 of the Project. The Applicant will plant 32 new trees on Lots 2 and 3. The Applicant should confer with the City Parks Department prior to the remove of any trees. The Planning Commission and City Council should comment on amount of tree loss and preservation proposed as part of the Project.

- E. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

The proposed lots conform with other lots in the immediate vicinity in terms of lot size.

- F. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.

The proposed lot layouts and building pads are similar to other lots in the immediate vicinity.

- G. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.

The proposed lot sizes are similar to those in the area. The proposed lot conforms to the R-2 District minimums for lot area.

- H. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.

The Applicant has provided building layout drawings for review and approval as part of the Subdivision. As a condition of any approval motion for this Application, the Planning Commission and City Council should require that any modifications from the approved building plans would require review and approval by the

Planning Commission and the City Council under Section 805.14.e.8 and 805.14.e.9.

- I. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.

Not applicable, as the City does not have single family residential design standards. However, the Applicant has provided sample building layout drawings for review and comment.

- J. The proposed lot layout and building pads shall conform with all performance standards contained herein.

The proposed lot layouts meet the performance requirements of R-2 District in terms of lot area and dimensions.

- K. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.

The Subdivision would not be dissimilar from other lots in the neighborhood.

- L. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

The Project includes a utility plan to access to sanitary sewer and water services, and would not over-burden these systems.

- 3.2 Concurrent Preliminary/Final Plat. Section 805.15 of the Subdivision Ordinance allows the City to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the City. Otherwise, it shall conform to the approved preliminary plat.

- 3.3 Parkland Dedication Fee. Section 805.37 of the Subdivision Ordinance requires a parkland dedication fee for new single family lots at the time of recording of the Final Plat.

Section 4. Staff Input

Staff has reviewed the proposal. Comments from each department are as follows:

- 4.1 City Engineer

- Watermain does not extend beyond intersection to east. [Note: The Applicant addresses this through its utility connections included on the Utility Plan]

- 4.2 City Forestry

- Follow the City's Tree Ordinance and use tree contractor that is licensed to work in Wayzata.

4.3 Utility Superintendent

- Well on Lot 1 needs to be sealed at 1409 Holdridge Terrace.
- Lot 1 has existing water and sewer services.
- Lot 2 has no water and sewer utility stub in.
- Lot 3 has no water and sewer utility stub in, and no water access unless easement is approved over Lot 2.

Section 5. Action Steps.

After considering the items outlined in this Report, the City Council should pursue one of the following options as an action step:

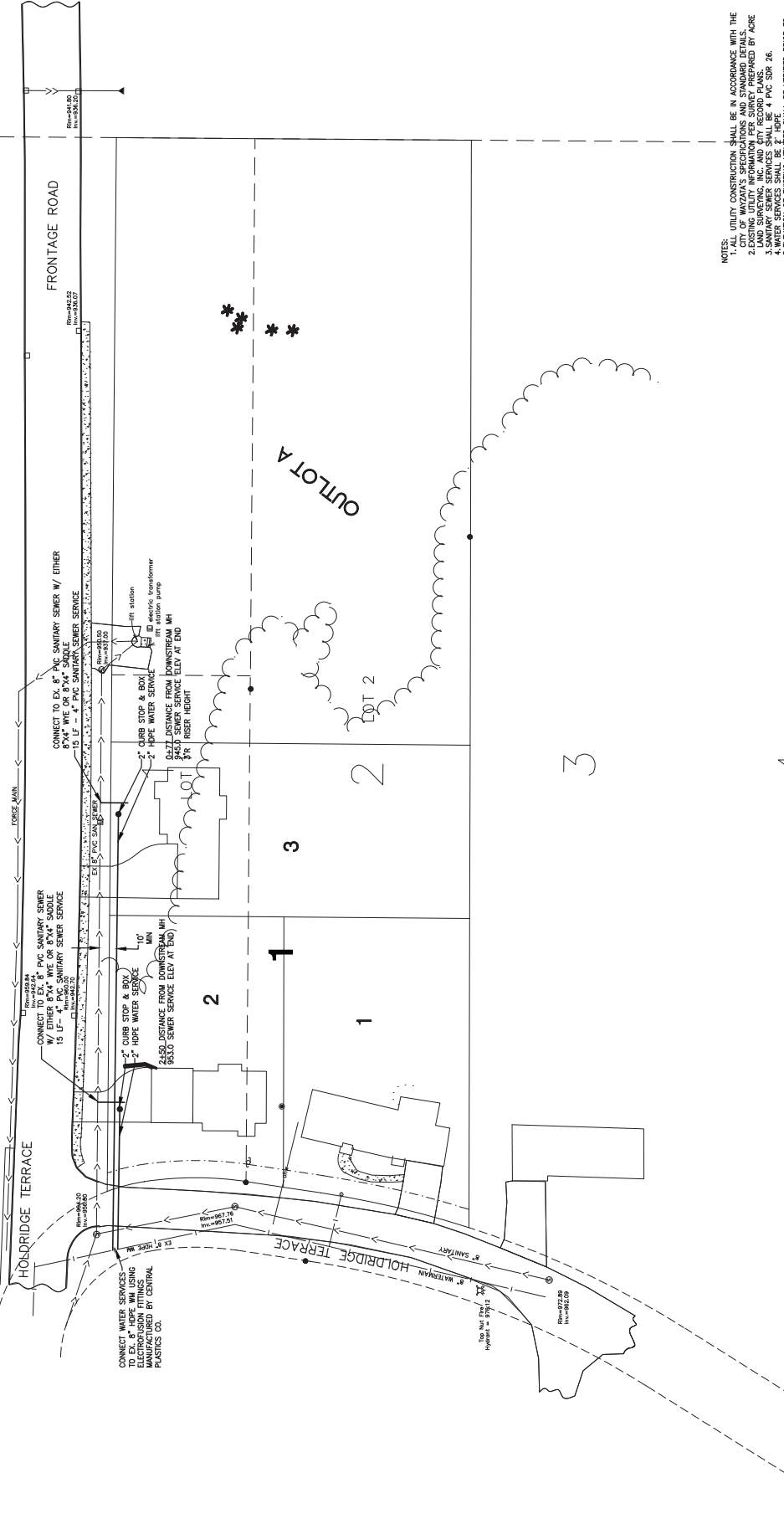
1. Adopt the draft approval Resolution No. 06-2014 included as Attachment H of this Report.
2. If the Council wishes to significantly modify the Resolution for approval, the Council should direct staff to prepare a revised Resolution for review and adoption at the next Council meeting.
3. If the Council wishes to pursue a denial motion, the Council should direct staff to prepare a revised Resolution reflecting the denial motion for review and adoption at the next Council meeting.

Attachments:

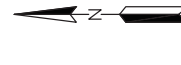
- Attachment A: Project Plan Set
- Attachment B: Proposed Building Elevations
- Attachment C: Grading and Runoff Calculations from Applicant's Engineer
- Attachment D: Comments from City Tree Consultant on Landscape Plan
- Attachment E: Received Citizen Comment on Application
- Attachment F: Planning Commission Meeting Minutes – December 2, 2013
- Attachment G: Planning Commission Meeting Minutes – January 6, 2014
- Attachment H: Draft Resolution No. 06-2014

Attachment A

WAYZATA BLVD.

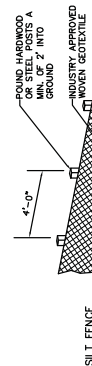


- NOTES:
1. ALL UTILITY CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF MINNEAPOLIS STANDARD SPECIFICATIONS FOR UTILITIES.
 2. EXISTING UTILITY INFORMATION FOR SURVEY PREPARED BY A.C.E. SURVEYING, INC. AND CITY RECORD PLANS.
 3. LAND SURVEYING, INC. AND CITY RECORD PLANS.
 4. WATER SERVICES SHALL BE 2" HDPE.
 5. ELEVATION OF EXISTING UTILITIES SHALL BE VERIFIED PRIOR TO CONSTRUCTION.
 6. WATER SERVICES SHALL BE DIRECTIONALLY DRILLED ACROSS HOLDRIDGE TERRACE.
 7. THE BOMBING PIT LOCATED ON THE WEST SIDE OF HOLDRIDGE TERRACE SHALL BE FILLED AND GRADED TO MATCH THE ADJACENT AREA AND RESTORED WITH SO2.



PROJECT NO: 13-049		DATE: 10/29/2013							
UTILITY PLAN		SHEET NO. C-101							
FRETHAM 17TH ADDITION LAKEWEST DEVELOPMENT WAYZATA, MN		NORTH P. CAMPION - Lic. # 19901							
North P. Campion, Inc. is a professional engineering firm and its services are provided under the direct supervision and control of a professional engineer licensed in the State of Minnesota. North P. Campion - Lic. # 19901 Date: 11/09/2013		North P. Campion, Inc. is a professional engineering firm and its services are provided under the direct supervision and control of a professional engineer licensed in the State of Minnesota. North P. Campion - Lic. # 19901 Date: 11/09/2013							
● Civil Engineering ● Land Planning 1000 River Creek Center, P.O. Box 240, Maple Plain, MN 55359 Tel: 763-419-4242 Fax: 763-419-4242 E-Mail: ncampion@comcast.net		REVISIONS <table><tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr><tr><td>1</td><td>11/09/2013</td><td>GRADED ON LOT 2</td></tr></table>		NO.	DATE	DESCRIPTION	1	11/09/2013	GRADED ON LOT 2
NO.	DATE	DESCRIPTION							
1	11/09/2013	GRADED ON LOT 2							

Attachment A



REMOVE & REPLACE SIDEWALK & CONCRETE CURB & GUTTER AS NECESSARY FOR PROPER DRAINAGE. SIDEWALK OF THICK THROUGH DRIVEWAY.

WAYZATA BLVD.

HOLDRIDGE TERRACE

MINIMUM DEPTH

SILT FENCE

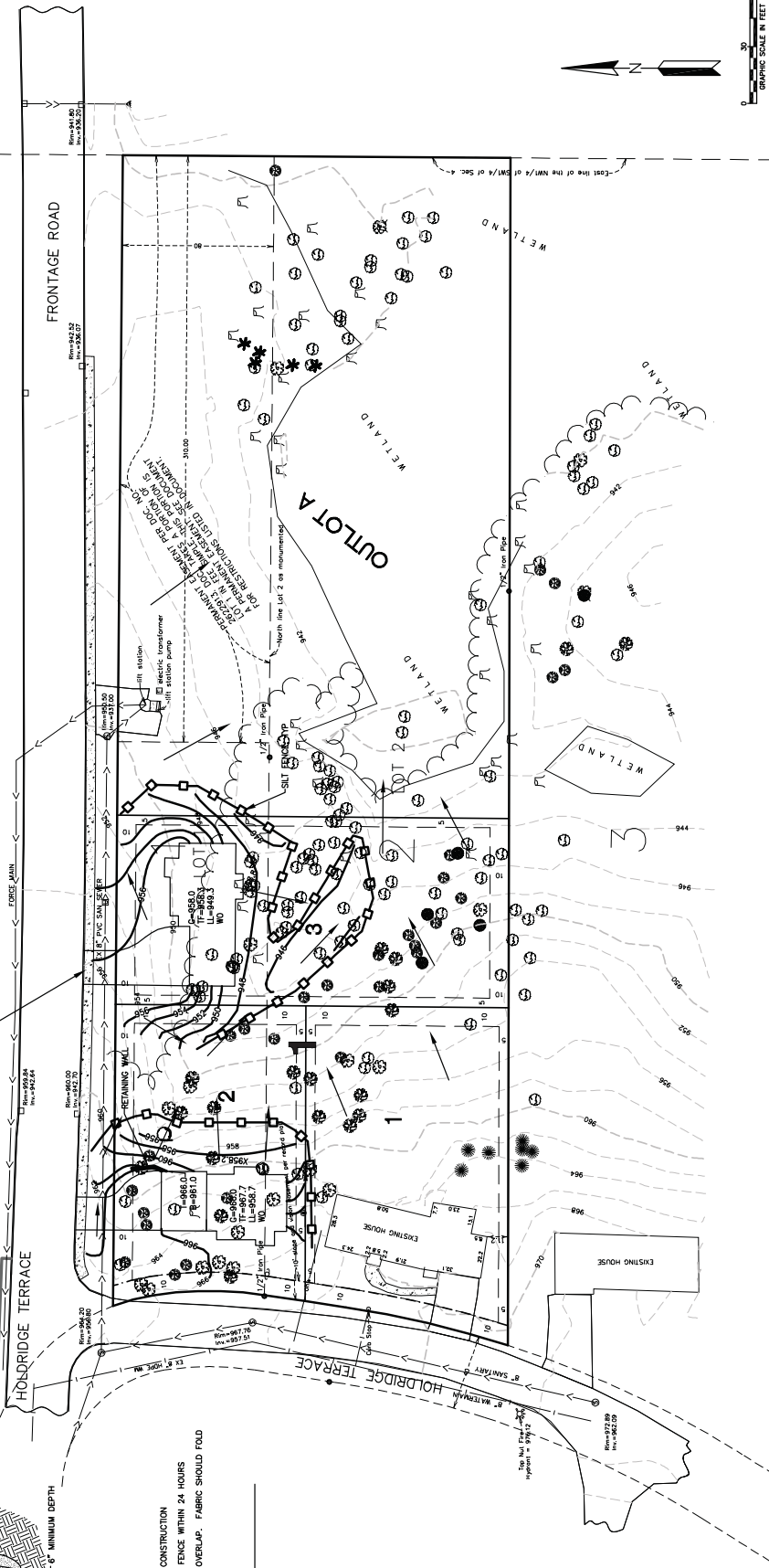
EROSION CONTROL BLANKET

CURB & GUTTER

NOTES

1. INSTALL SILT FENCE PER PLAN SET BEFORE BEGINNING CONSTRUCTION
2. REPLACE TORN, OVERBURDENED, OR DECOMPOSING SILT FENCE WITHIN 24 HOURS
3. TO JOIN SECTIONS OF SILT FENCE, POSITION POSTS TO OVERLAP. FABRIC SHOULD FOLD AROUND EACH POST ONE FULL TURN

1 DETAIL: SILT FENCE



NOTE: LOTS SHALL BE CUSTOM GRADED BY HOME BUILDERS.
GRAPHIC SCALE IN FEET

PROJECT NO.		GRADING & DRAINAGE PLAN		FRETHAM 17TH ADDITION LAKEWEST DEVELOPMENT WAYZATA, MN	
13-049		C-102		DATE: 10/29/2013	
SHEET NO.		C-102		DATE: 10/29/2013	
NO.		DATE		DESCRIPTION	
1		11/06/2013		GRADING ON LOT 2	
2		07/03/2014		DRAINAGE ARROWS	

I hereby certify that this plan specification or other work was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Minnesota.
Martin P. Campbell - Lic. # 19901 Date: 11/06/2013

• Civil Engineering • Land Planning
5000 Rogers Creek Center,
Maple Park, MN 55559
Phone: 763-422-4242
Fax: 763-422-4242
E-Mail: mpcampbell@compbelleng.com

CAMPBELL
ENGINEERING
SERVICES, INC.

Attachment A

CALL 48 HOURS BEFORE DIGGING:
 GOVERNOR STATE ONE CALL
 1-800-252-1166

GENERAL NOTES

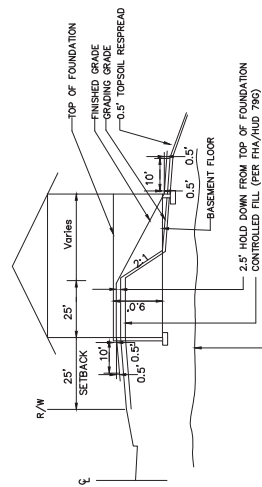
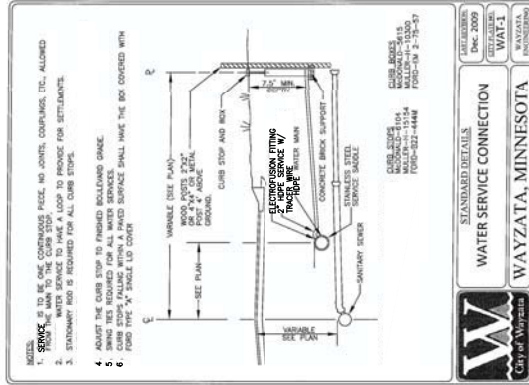
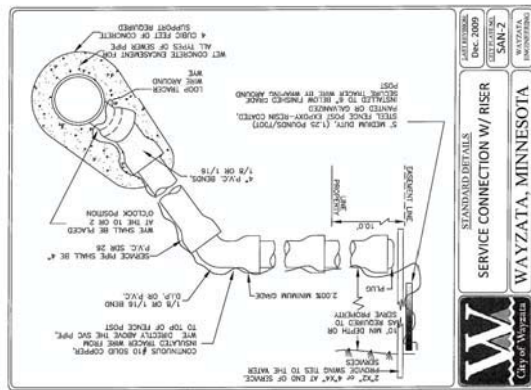
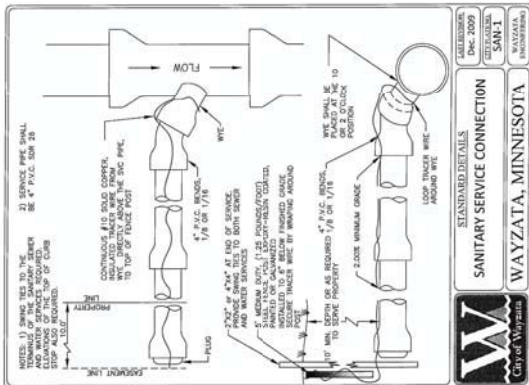
1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES.
2. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
3. THE CONTRACTOR MUST CONTACT ALL APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF EXISTING UTILITIES WHICH COINCIDE WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. THE LOCATIONS OF SMALL UTILITIES SHALL BE OBTAINED BY THE CONTRACTOR BY CALLING THE UTILITY COMPANIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
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CAUTION NOTES

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES SHALL BE OBTAINED FROM THE UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE CONTRACTOR MUST CONTACT ALL APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES, IT WHICH COINCIDE WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. THE LOCATIONS OF SMALL UTILITIES SHALL BE OBTAINED BY THE CONTRACTOR BY CALLING THE UTILITY COMPANIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.

EROSION/STABILIZATION CONTROL

1. ALL EROSION CONTROL AND STABILIZATION CONTROL SHALL COMPLY WITH MINNESOTA'S BEST MANAGEMENT PRACTICES MANUAL AND REGULATIONS OF THE CITY OF WAYZATA, MINNESOTA.
2. THE CONTRACTOR SHALL PERFORM ANY CONSTRUCTIVE MEASURES ORDERED BY THE CITY WITHIN 72 HOURS OF NOTIFICATION. ALSO, ADDITIONAL EROSION CONTROL MEASURES DEEMED NECESSARY BY THE CITY SHALL BE INSTALLED IMMEDIATELY.
3. ANY DEPOSITING OF SILT OR MUD ON NEW OR EXISTING PAVEMENT, OR IN EXISTING STORM SEWERS OR SWALES, SHALL BE REMOVED AFTER THE CONSTRUCTION OF EACH PHASE OF THE PROJECT.
4. THE CONTRACTOR SHALL ASSUME COMPLETE RESPONSIBILITY FOR CONTROLLING ALL SILTATION. CONTROL SHALL COMMENCE WITH GRADING AND IMPLEMENTATION AS REQUIRED TO PREVENT EROSION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WAYZATA, MINNESOTA, AND THE STATE OF MINNESOTA.
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6. ALL DISTURBED AREAS, EXCEPT ROADWAYS AND BUILDING AREAS SHALL BE MULCHED (TYPE 1) WITHIN 72 HOURS OF COMPLETION OF SITE GRADING. SEEDING SHALL BE IN ACCORDANCE WITH MNDOT APPROVED EQUAL DORMANT SEEDING AREAS SHALL BE SEED AND MULCHED IN ACCORDANCE WITH MNDOT SPECIFICATIONS. STORM MULCHING QUANTITY SHALL BE 100 LBS PER 1000 SQ FT OF DISTURBED AREA. MULCH SHALL BE APPLIED IN A MANNER THAT DOES NOT CAUSE EROSION OR DAMAGE TO ADJACENT PROPERTIES.
7. LANDSCAPED AREAS F LANDSCAPED SEEDING IS DONE CONCURRENTLY, CONSTRUCTION SHALL PROCEED IN THE FOLLOWING SEQUENCE:
 a. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE CITY.
 b. INSTALL EROSION CONTROL MEASURES AND ROCK CONSTRUCTION.
 c. INSTALL TREE PROTECTION FENCING.
 d. CONSTRUCT TEMPORARY DRAINAGE DITCHES/STORM SEWER TO THE STREET.
 e. CONSTRUCT TEMPORARY DRAINAGE DITCHES/STORM SEWER TO THE STREET.
 f. CONSTRUCT TEMPORARY DRAINAGE DITCHES/STORM SEWER TO THE STREET.
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 Page 150 of 222

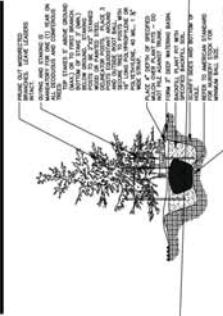
CAMPION ENGINEERING SERVICES, INC.
 11768/2013
 GRADING ON LOT 2
 DESCRIPTION
 NO. DATE
 REVISIONS

I hereby certify that this plan specification or report has been prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 11/06/2013
 Martin P. Campbell - Lic. # 19901 Date

**FRETHAM 17TH ADDITION
 LAKEWEST DEVELOPMENT**
 WAYZATA, MN

DETAILS
 SHEET NO.
 PROJECT NO:
 13-049
 DATE:
 10/29/2013

PLANTING DETAILS

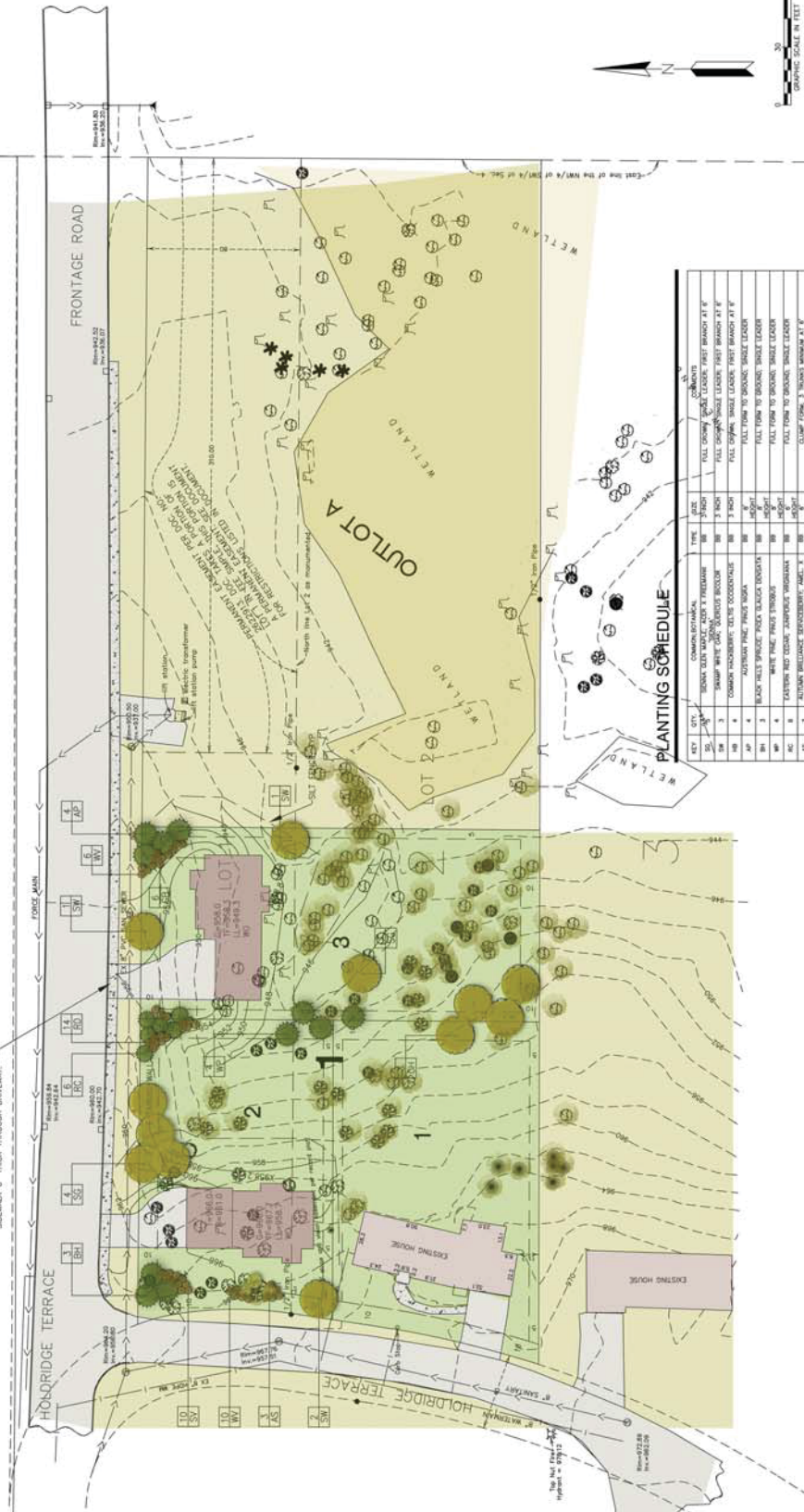


PLANTING NOTES

- [illegible]

REMOVE & RE-PAVE SIDEWALK & CURB
CURB & GUTTER AS NECESSARY FOR
DRIVEWAY CONSTRUCTION. CONSTRUCT
SIDEWALK & 8" THICK THROUGH DRIVEWAY —

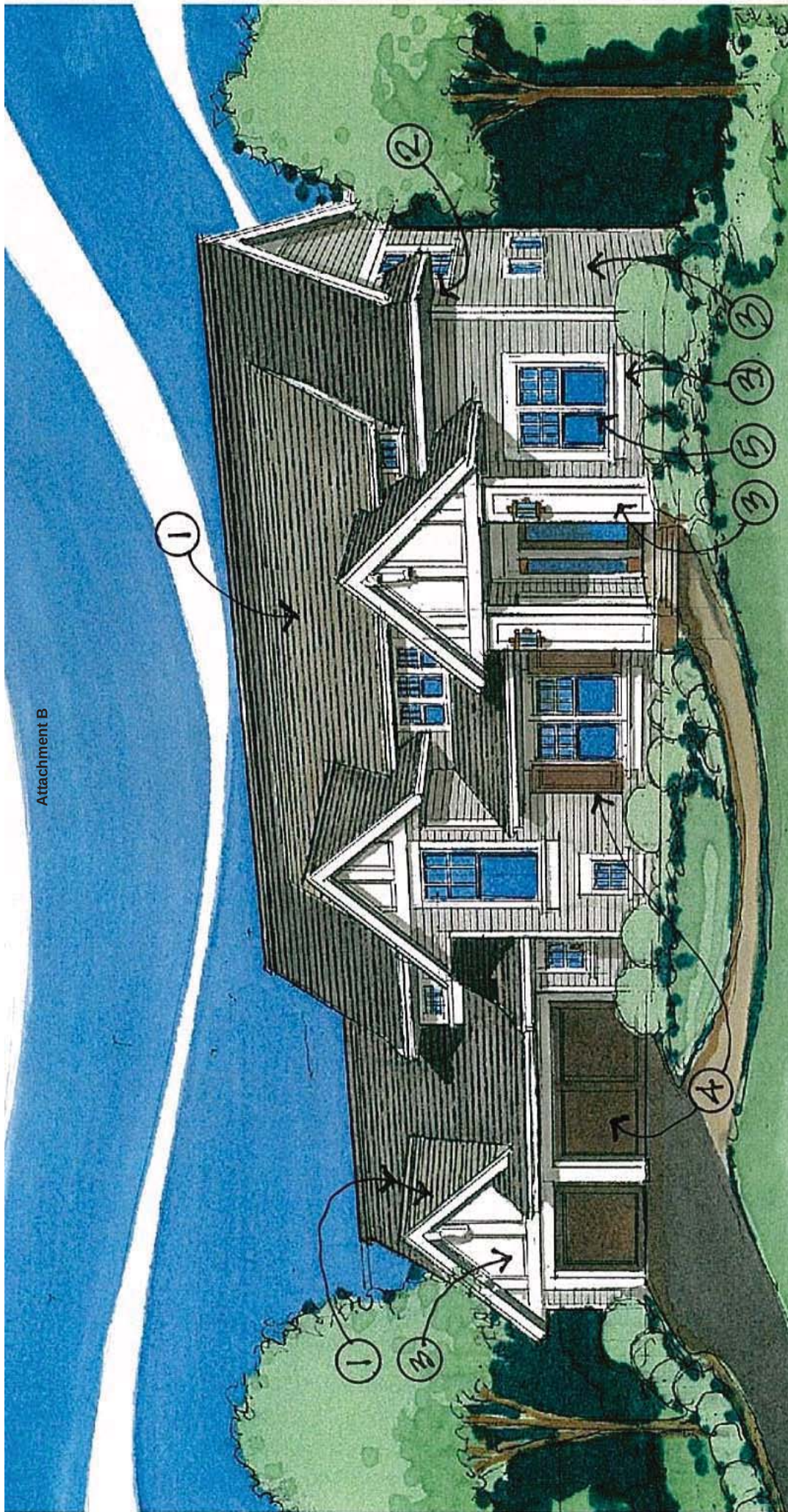
WAYZATA BLVD.



PLANTING SCHEDULE

[illegible]

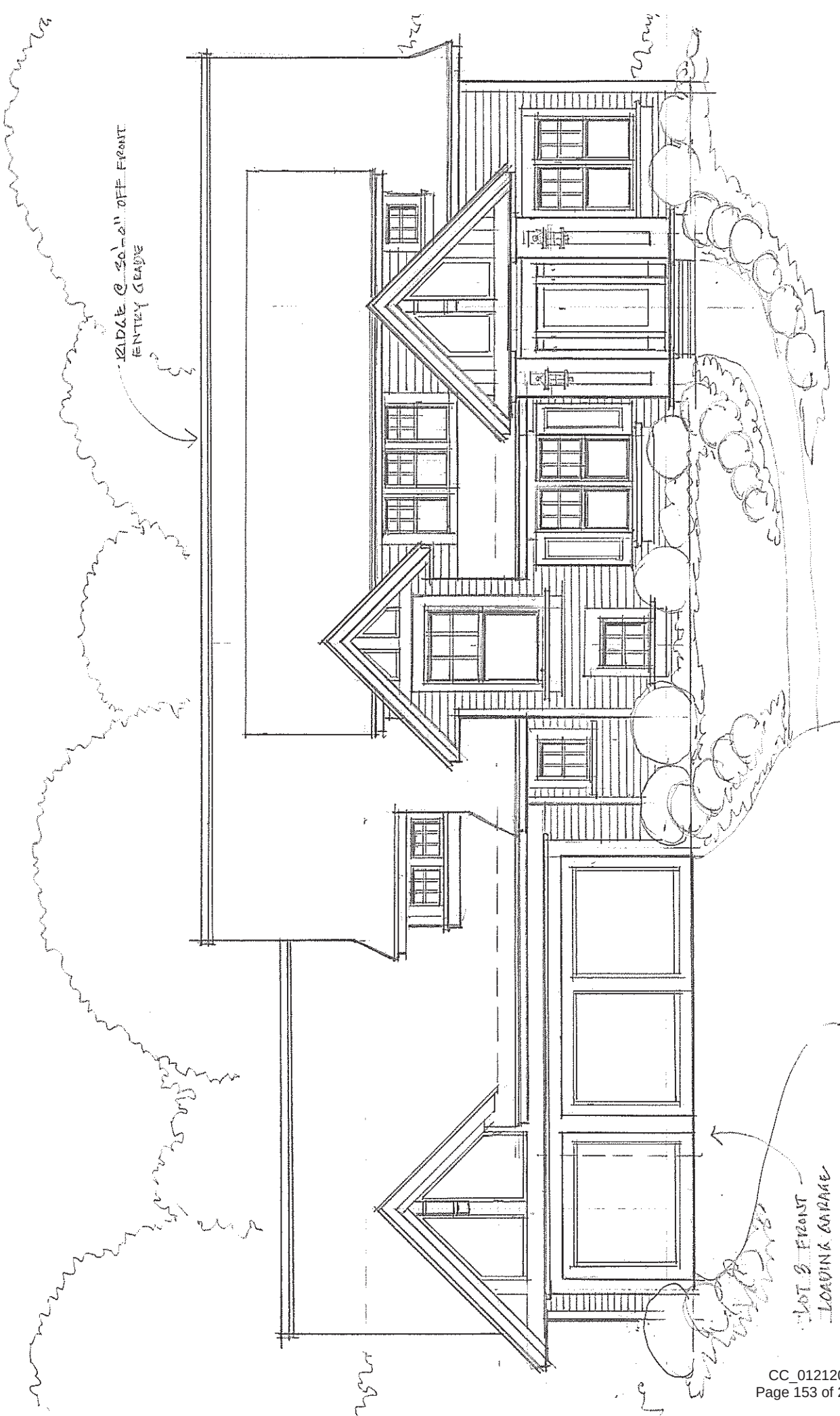
NOTE: LOTS SHALL BE CUSTOM GRADED BY HOME BUILDERS.



MATERIALS LEGEND:

1. ROOF: DIMENSION / ARCHITECTURAL ASPHALT SHINGLE
2. SOFFITS: HARDI BOARD SOFFIT BOARDS OR EQUAL
3. SIDING / TRIM / FACIA: HARDI BOARD OR EQUAL
4. GARAGE DOOR / SHUTTERS: PAINTED MASONITE
5. WINDOWS: DOUBLE HUNG W/ WHITE CLADDING

Attachment B

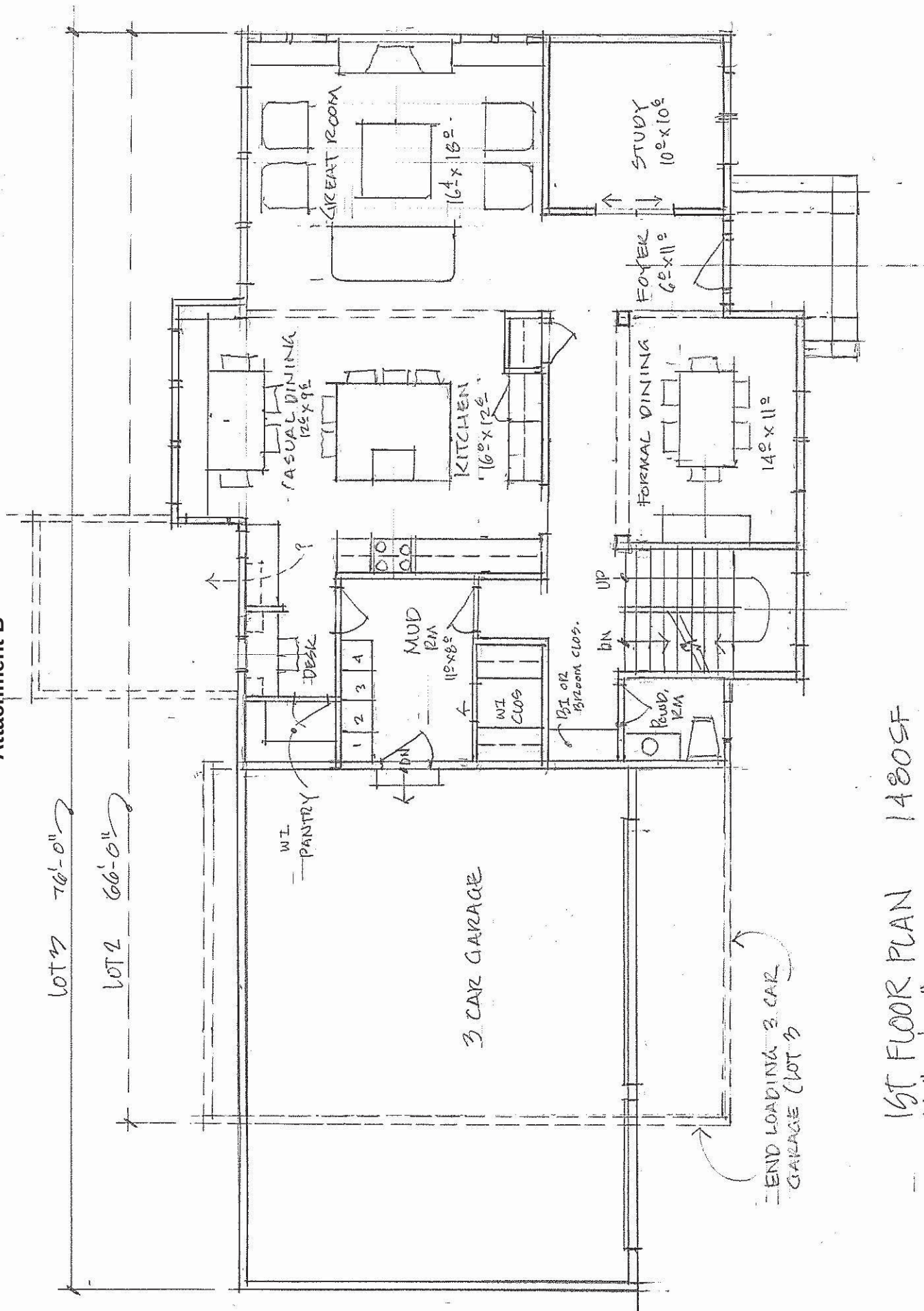


ENTRY ELEVATION ON
1/8" = 1'-0"

HOLBRIDGE TERRACE, WAXATA
LOT 123

LAKE WEST
DEVELOPMENT
9-19-13
NKJ

Attachment B



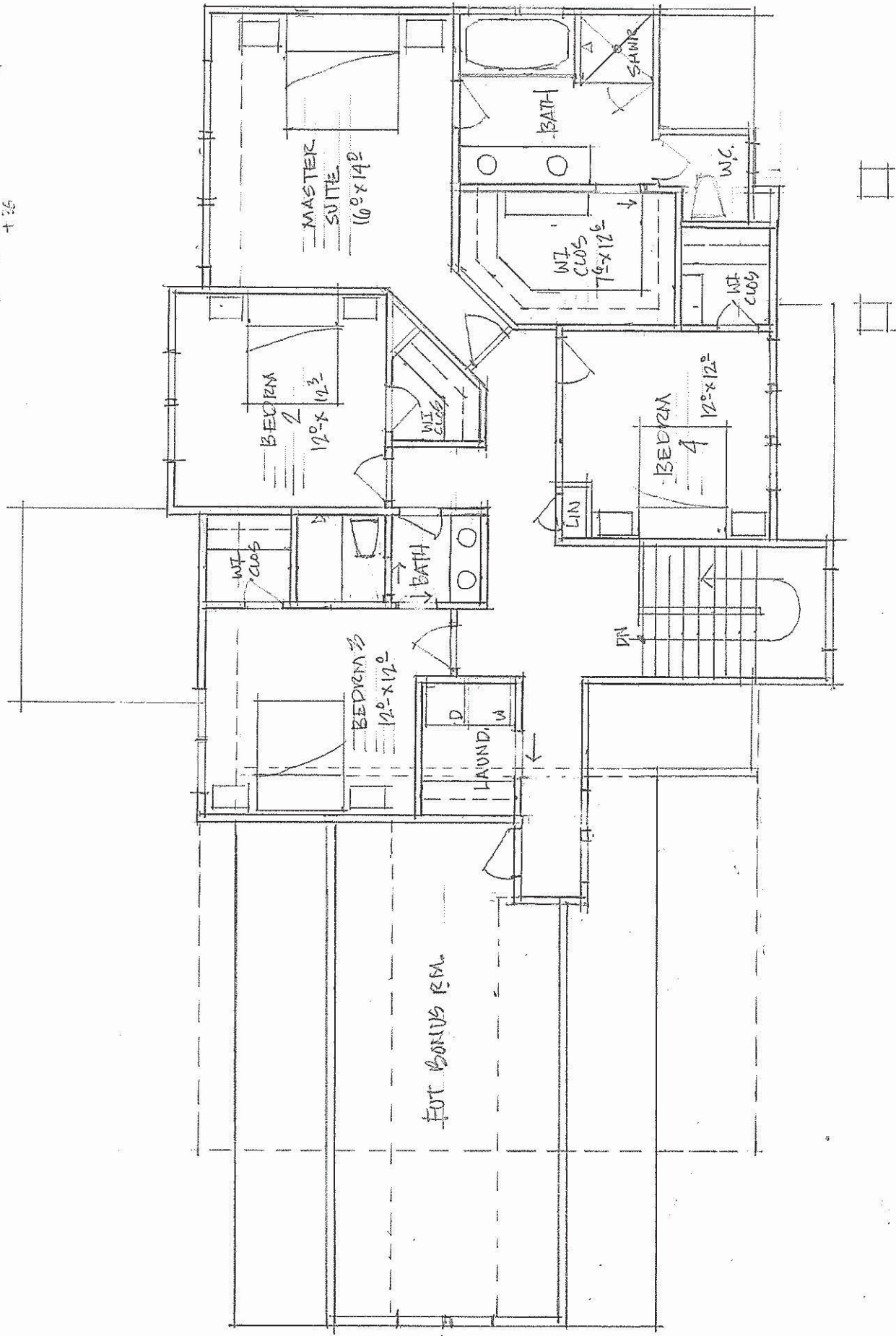
1ST FLOOR PLAN 1480SF
1/8" = 1'-0"

9.19.13
NIRVI

LAKE WEST
DEVELOPMENT

HOLDRIDGE TERRACE, WAYZATA
LOTS 2 & 3

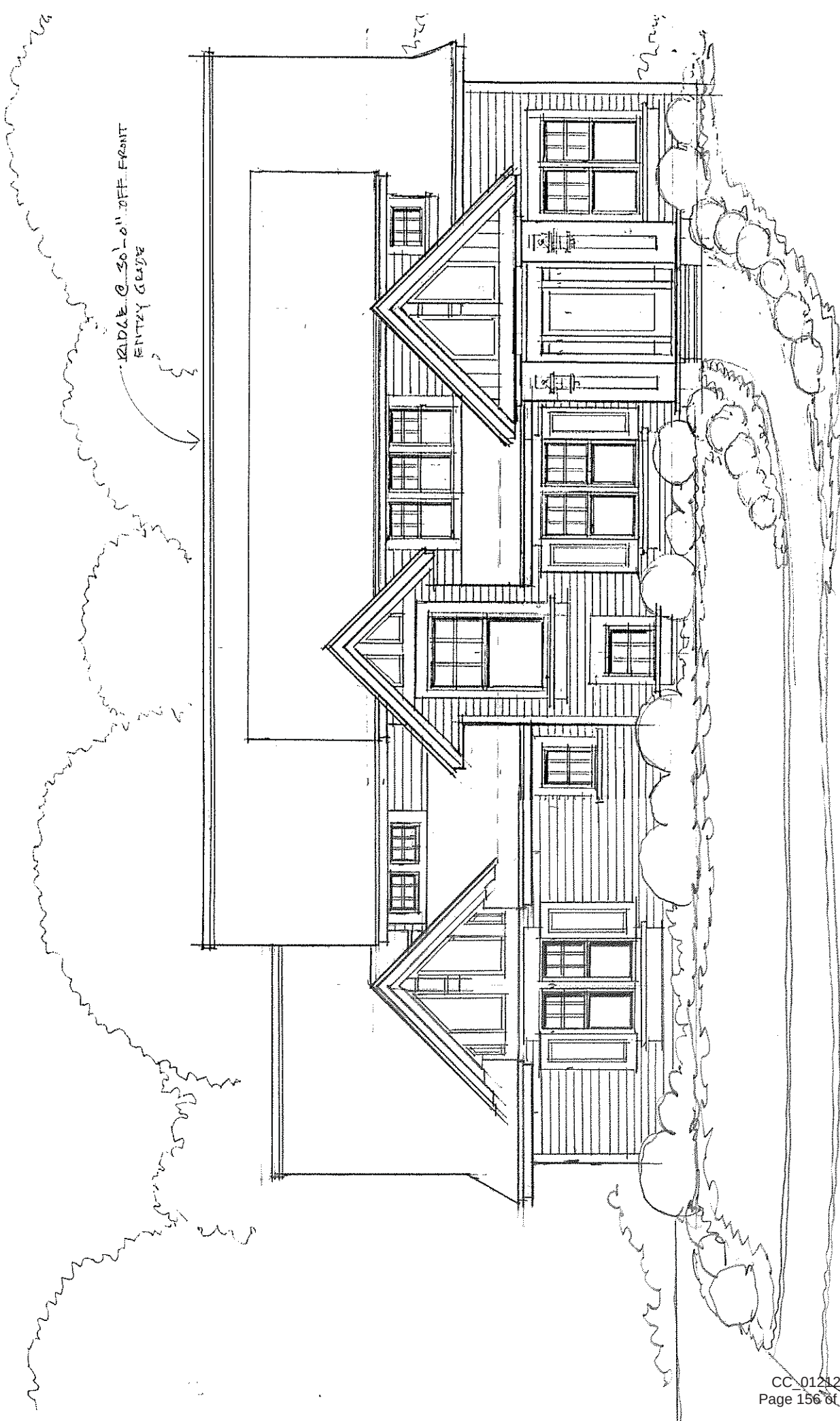
92+ 94-
95+ 95-
96+ 96-
97+ 97-
98+ 98-
99+ 99-
100+ 100-



2ND FLOOR PLAN

HOLD RIDGE TERRACE, WAYZATA
LOTS 2 & 3

Attachment B



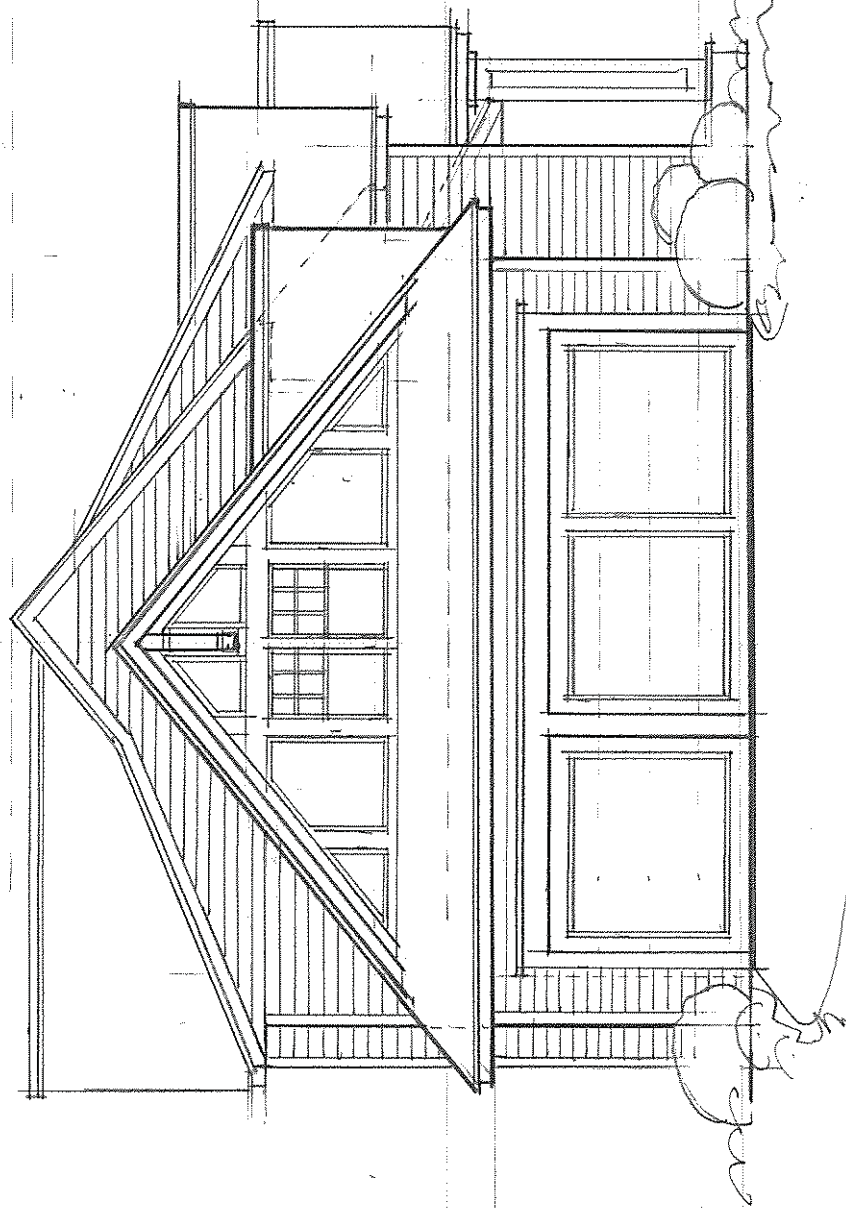
ENTRY ELEVATION W/END LOADING GARAGE
1/8" = 1'-0"

HOLDRIDGE TERRACE, WAZATA
LOT 21

LAKE WEST
DEVELOPMENT

1.9.14
NRDI

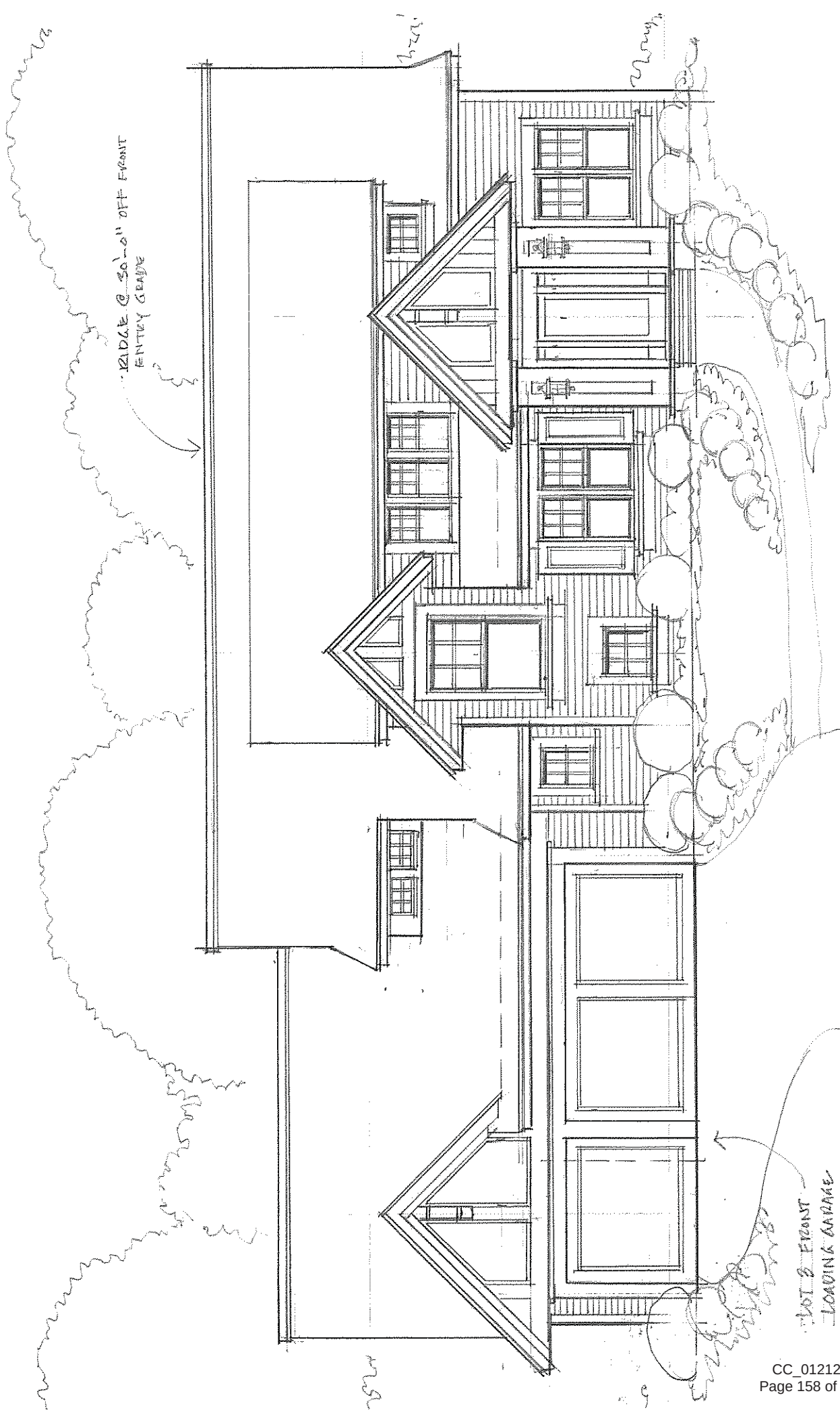
Attachment B



LEFT SIDE / END ELEVATION W/ END LOADING GARAGE
1/2" = 1'-0"

HOLDRIDGE TERRACE, WAYZATA LAKE WEST 1.9.14
LOT 2 W/ END LOADING GAR. DEVELOPMENT NIKOL

Attachment B



Attachment C

FRETHAM 17TH ADDITION

December 27, 2013

CES PROJECT NO. 13-049

GRADING SUMMARY

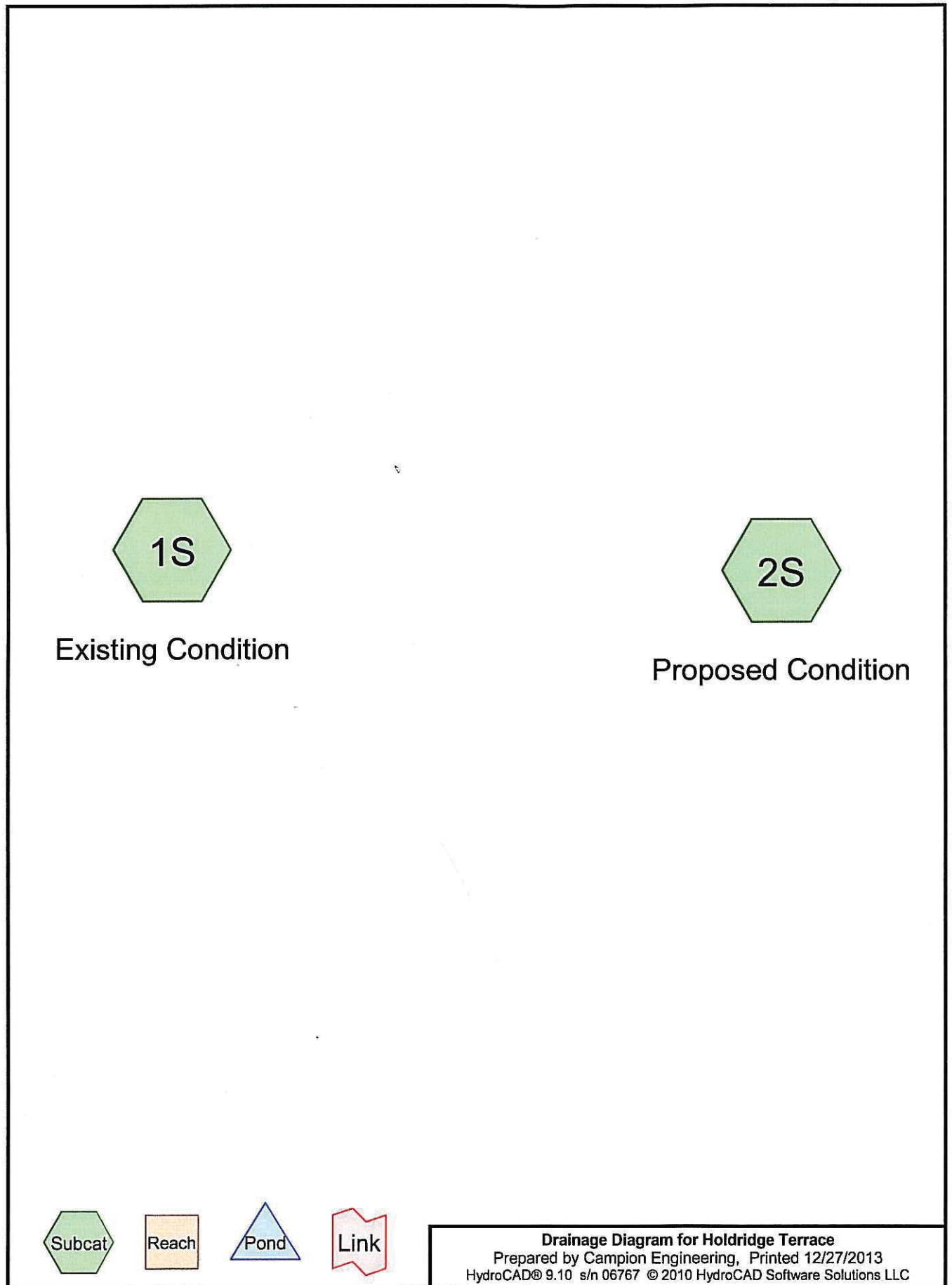
LOT 2	90 CY FILL
LOT 3	550 CY FILL

FILL QUANTITIES EXCLUDE BUILDING HOLD DOWNS

STORMWATER SUMMARY

RUNOFF TO WETLAND (CFS)	2 YEAR	10 YEAR	100 YEAR
EXISTING	3.1	7.0	12.5
PROPOSED	3.5	7.6	13.1
VOLUME TO WETLAND (AC-FT)			
EXISTING	0.13	0.28	0.52
PROPOSED	0.14	0.31	0.55
AMOUNT WETLAND ELEVATION INCREASE	0.15"	0.45"	0.45"

INCREASE IN ELEVATION ONLY ACCOUNTS FOR PORTION OF WETLAND ON PROPERTY.
ACTUAL INCREASE WILL BE LESS.



Attachment C

Holdridge Terrace

Prepared by Campion Engineering
HydroCAD® 9.10 s/n 06767 © 2010 HydroCAD Software Solutions LLC

Type II 24-hr 2-Year Rainfall=2.75"

Printed 12/27/2013

Page 3

Summary for Subcatchment 1S: Existing Condition

Runoff = 3.09 cfs @ 11.95 hrs, Volume= 0.126 af, Depth> 0.72"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 2-Year Rainfall=2.75"

Area (sf)	CN	Description
3,300	98	Roofs, HSG C
87,929	74	>75% Grass cover, Good, HSG C
91,229	75	Weighted Average
87,929		96.38% Pervious Area
3,300		3.62% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.9	40	0.1000	0.17		Sheet Flow, Back Yard
					Grass: Dense n= 0.240 P2= 2.75"
0.2	190	0.8500	13.83		Shallow Concentrated Flow, Backyard
					Grassed Waterway Kv= 15.0 fps
4.1	230	Total			

Summary for Subcatchment 2S: Proposed Condition

Runoff = 3.51 cfs @ 11.95 hrs, Volume= 0.142 af, Depth> 0.81"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 2-Year Rainfall=2.75"

Area (sf)	CN	Description
9,532	98	Roofs, HSG C
81,697	74	>75% Grass cover, Good, HSG C
91,229	77	Weighted Average
81,697		89.55% Pervious Area
9,532		10.45% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.9	40	0.1000	0.17		Sheet Flow, Backyard
					Grass: Dense n= 0.240 P2= 2.75"
0.2	190	0.8500	13.83		Shallow Concentrated Flow, Backyard
					Grassed Waterway Kv= 15.0 fps
4.1	230	Total			

Attachment C

Holdridge Terrace

Type II 24-hr 10-Year Rainfall=4.15"

Prepared by Campion Engineering

Printed 12/27/2013

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Page 4

Summary for Subcatchment 1S: Existing Condition

Runoff = 7.00 cfs @ 11.95 hrs, Volume= 0.284 af, Depth> 1.63"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 10-Year Rainfall=4.15"

Area (sf)	CN	Description
3,300	98	Roofs, HSG C
87,929	74	>75% Grass cover, Good, HSG C
91,229	75	Weighted Average
87,929		96.38% Pervious Area
3,300		3.62% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.9	40	0.1000	0.17		Sheet Flow, Back Yard
					Grass: Dense n= 0.240 P2= 2.75"
0.2	190	0.8500	13.83		Shallow Concentrated Flow, Backyard
					Grassed Waterway Kv= 15.0 fps
4.1	230	Total			

Summary for Subcatchment 2S: Proposed Condition

Runoff = 7.58 cfs @ 11.95 hrs, Volume= 0.309 af, Depth> 1.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 10-Year Rainfall=4.15"

Area (sf)	CN	Description
9,532	98	Roofs, HSG C
81,697	74	>75% Grass cover, Good, HSG C
91,229	77	Weighted Average
81,697		89.55% Pervious Area
9,532		10.45% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.9	40	0.1000	0.17		Sheet Flow, Backyard
					Grass: Dense n= 0.240 P2= 2.75"
0.2	190	0.8500	13.83		Shallow Concentrated Flow, Backyard
					Grassed Waterway Kv= 15.0 fps
4.1	230	Total			

Attachment C

Holdridge Terrace

Prepared by Campion Engineering

HydroCAD® 9.10 s/n 06767 © 2010 HydroCAD Software Solutions LLC

Type II 24-hr 100-Year Rainfall=5.90"

Printed 12/27/2013

Page 5

Summary for Subcatchment 1S: Existing Condition

Runoff = 12.45 cfs @ 11.95 hrs, Volume= 0.516 af, Depth> 2.96"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 100-Year Rainfall=5.90"

Area (sf)	CN	Description
3,300	98	Roofs, HSG C
87,929	74	>75% Grass cover, Good, HSG C
91,229	75	Weighted Average
87,929		96.38% Pervious Area
3,300		3.62% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.9	40	0.1000	0.17		Sheet Flow, Back Yard
					Grass: Dense n= 0.240 P2= 2.75"
0.2	190	0.8500	13.83		Shallow Concentrated Flow, Backyard
					Grassed Waterway Kv= 15.0 fps
4.1	230	Total			

Summary for Subcatchment 2S: Proposed Condition

Runoff = 13.13 cfs @ 11.95 hrs, Volume= 0.549 af, Depth> 3.14"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 100-Year Rainfall=5.90"

Area (sf)	CN	Description
9,532	98	Roofs, HSG C
81,697	74	>75% Grass cover, Good, HSG C
91,229	77	Weighted Average
81,697		89.55% Pervious Area
9,532		10.45% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.9	40	0.1000	0.17		Sheet Flow, Backyard
					Grass: Dense n= 0.240 P2= 2.75"
0.2	190	0.8500	13.83		Shallow Concentrated Flow, Backyard
					Grassed Waterway Kv= 15.0 fps
4.1	230	Total			

Bryan Gadow

Subject: 1409 Holdridge Terrace - Review Comments on Tree Removal and Landscaping Plans

From: Manuel Jordan [<mailto:manuel@heritageshadetree.com>]

Sent: Monday, January 06, 2014 12:57 PM

To: Bryan Gadow

Subject: Re: Cost to review proposed landscaping plan

Importance: High

Bryan,

Here are my comments regarding the 1409 Holdridge Terrace proposed development:

The ordinance requires that the person/entity that is requiring a permit for tree removal for either a development or a removal must show the location of all trees and identification of size and species. The Pre-Plat shows trees and tree sizes but not all mapped trees are identified by species. Some are (i.e. boxelder, black walnut), but the large majority are just identified as their genus (i.e. oak, elm, ash). This information is not only required but of great importance when reviewing a plan as individual species tolerances to construction activities (ex, difference between a red oak and a bur oak to construction damage and pathogen pressure), but also in regards to insect and disease issues covered by other city statutes (ex. American elm compared to Siberian elm in regards to Dutch Elm Disease - DED - , as well as red oak family versus white oak family in regards to Oak Wilt).

Several trees in the inventory list have some unclear designations... What does DED mean? Is it Dutch Elm Disease? If so, why are several ash and oak trees designated as DED trees (ex. Tree #'s: 1167, 1176, 1221, 1222).

Tree # 1244 is listed as a dead elm. Tree # 1252 is listed as a DED elm. Both should be removed WITHOUT harming other adjacent trees to be preserved (assuming that they are not in a 'clearcut' area), to comply with the City's DED ordinance.

As a whole, the tree removals seem to be reasonable as they are only removing trees within the building construction area. The only exception to this are the removals of trees on lot 3 (tree #'s: 1184, 1183, 1181, 1182, 1430, 1436, 1439). What is the purpose of these removals? If it is to create more of a useable backyard, that seems reasonable as they are smaller ash trees. However, this will impact the trees to be preserved in the 'peninsula' (see grading map) via the cutting or suffocation of tree roots. If turf is to be established in this area, it will be difficult to do as the trees to be preserved to the south are likely to continue to create a lot of shade for the area, which will motivate a new property owner to continue tree removals to maximize turf growth.

In addition, the removals on the maps do not match the removals on the inventory list (specifically it is missing tree #'s: 1184, 1183, 1181, 1182, 1430, 1436, 1439).

Silt fences that are within 20 feet of any tree to be preserved should be eliminated (due to potential damage to root systems by the 6" + depth of the fence installation (see their specs on the utility and grading plans) and instead use a more tree-friendly method such as coir logs or mulch berms covered by landscape fabric.

Attachment D

As far as the proposed plantings, please change red maples for hackberry's (they exist already on the current property and will handle local conditions better; if they HAVE to have a maple then select a Sienna Glenn hybrid maple), and consider also chafing the proposed white pine trees for red cedar trees (white pines are sensitive to salt spray, especially considering the proximity of 394).

Please let me know if you have any questions.

Thank you,

Manuel Jordán
Heritage Shade Tree Consultants
6347 Minnewashta Woods Drive
Excelsior, MN 55331

Phone #: 763-717-9366

manuel@heritageshadetree.com



ISA Certified Arborist # MN 0206 A



www.heritageshadetree.com

Go GREEN, keep it on the screen. Please do not print this unless necessary.

Attachment E

Bryan Gadow

From: Graciela Gonzalez
Sent: Tuesday, January 07, 2014 10:03 AM
To: Bryan Gadow
Subject: FW: Proposed Subdivision: 1409 Holdridge Terrace

Dear Bryan:

I did not see Ms. Tessmer's email until this morning--too late to share it with the PC before our meeting last evening. In any case, she brought up some of these concerns during the reopened public hearing and I believe we addressed most of them in our recommendation. Could you please forward her email to the Council?

Thank you.

Sincerely,

Graciela

From: Nancy Tessmer [ntessmer@live.com]
Sent: Monday, January 06, 2014 6:05 PM
To: Graciela Gonzalez
Subject: RE: Proposed Subdivision: 1409 Holdridge Terrace

Hi Gracela:

I sincerely appreciate you getting back to me. The character of Holdridge Terrace is rambler homes on large lots. Initially this side of the street was hobby farms. Several of us still have old horse barns in our woods.

Here are my concerns but please understand that I may have more due to what the developer presents tonight.

- Placement of Home on Lot 3: the discussion at the last meeting would be that the home would be placed near the frontage road. If it is place further back on the lot, it will impact my property view and value. Also, will there be any ban on future development on lot 3? For example, a pool would be right up to my property
- Drainage: How will the added fill impact my lot
- Future Development: this side of the street has 22 acres. Is this the best development for the city? Will the remaining homes on this side of Holdridge Terrace have the same opportunity to subdivide? I understand that there are wetlands in the acreage but there is potential for additional development
- Trees: 52 or 39.1% of the "significant" trees are proposed to be removed. This will impact the neighborhood from a sound level. Are there plans to replant trees? There are many "non significant" trees on the first lot, including buckthorn. Their removal will also impact the neighborhood. Can the city add a noise wall to minimize the neighborhood impact?

Looking forward to the discussion this evening. Thank you for your service to the city.

Thanks!
Nancy Tessmer

Attachment E

> From: gracielagonzalez@wayzata.org
> To: ntessmer@live.com
> CC: kenwillcox@wayzata.org; bgadow@wayzata.org
> Subject: RE: Proposed Subdivision: 1409 Holdridge Terrace
> Date: Fri, 3 Jan 2014 20:58:40 +0000
>
> Dear Nancy:
>
> Thank you so much for contacting me regarding your desire to discuss the 1409 Holdridge Terrace Project with me. Please feel free to email me your concerns at any time; otherwise, please come to the Planning Commission meeting this coming Monday, January 6, 2014 at 7:00 PM and I will be happy to allow you plenty of time to share your views with the Commission.
>
> I look forward to hearing your input regarding this project.
>
> Thank you.
>
> Sincerely,
>
> Graciela Gonzalez
> Chair, Wayzata Planning Commission
>
>
> _____
> From: Nancy Tessmer [ntessmer@live.com]
> Sent: Friday, January 03, 2014 11:20 AM
> To: Graciela Gonzalez
> Subject: Proposed Subdivision: 1409 Holdridge Terrace
>
> Hi Graciela:
>
> My name is Nancy Tessmer. I live at 1501 Holdridge Terrace. My property is adjacent to 1409 Holdridge Terrace, which the Planning Commission will be discussing at the meeting on Monday, January 6.
>
> If you have time, I would like discuss the project with you. I can be reached at 952-473-2656 (H) or 952-221-0493 (C).
>
> Thank you
> Nancy Tessmer

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
DECEMBER 2, 2013**

AGENDA ITEM 1. Call to Order, Roll Call and Approval of Minutes.

Vice Chair Iverson called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Iverson, Crowder, Pearson, and Vanderheyden. Absent and excused: Chair Gonzalez, Commissioners Cooper and Ramy. City Planner Gadow was also present.

Commissioner Vanderheyden requested on page 10, Line 12, after the word “be” add “capable of being” so the sentence reads “only requires that a reasonable home be capable of being built.”

Commissioner Vanderheyden made a motion, seconded by Commissioner Crowder to approve the November 18, 2013 minutes as amended above. The motion passed 3/0/1 abstain (Iverson).

AGENDA ITEM 2. Regular Agenda Public Hearing Item.

a. 1409 Holdridge Terrace – Lakewest Development Co. LLC

i. Concurrent Preliminary/Final Plat for Three (3) Lot Subdivision

City Planner Gadow presented the application of 1409 Holdridge Terrace for a three (3) lot subdivision. He provided an aerial view of the property and pointed out the current home that would remain and the two additional lots and outlot that would be created with the subdivision. He reviewed the preliminary plat, the MnDOT right-of-way area and easement, the final plat, utility plan, and grading plan for the three (3) lot subdivision.

Commissioner Crowder asked if the fill being proposed would be used for the grading of Lot 3. He stated upon examination of the proposed lot, there would be a significant amount of fill required and Lot 2 would not required as much if the home is a walk-out design.

City Planner Gadow stated the homes for Lot 2 and Lot 3 would be walk-out designs.

Commissioner Crowder stated the distance from the street and the location of the home for Lot 3 is six (6) to seven (7) feet below the grade of the street. He stated it could be assumed from this that the water would drain toward the home on Lot 1 unless it was located on the north end but this would interfere with the property to the north of the subdivision. He stated with subdivisions there was a degree of slope the City did not approve of developing and also a maximum amount of fill that could be used.

City Planner Gadow stated the Comprehensive Plan stated for properties of 12% slope or more could be developed on but there would be some grading and analysis done prior to any homes being constructed. The City Engineer has received the grading calculations for this subdivision and is currently doing the required analysis. Before any building permit could be pulled or any

1 construction could occur on these lots, the grading proposed would be need to be verified that it
2 meets the requirements of the City Code. The maximum fill is two (2) feet over the average
3 height of each of the proposed lots. The northern section of Lot 3 would have significant grading
4 but over the course of the whole site, it would be under the two (2) foot threshold.

5
6 Commissioner Pearson stated the Ordinance states that one of the criteria that the building pads
7 that result from subdivisions or lot combinations shall be selected and located with respect to
8 natural topography to minimize filling or grading. At this time is appears the City does not
9 really know what the plan is for filling and grading this subdivision because that will come later.

10
11 City Planner Gadow stated the applicant would come forward and answer the grading and fill
12 questions. He reviewed the proposed development plan and how it relates to the R2 Code,
13 proposed building designs and renderings, and the action steps available to the Planning
14 Commission regarding this application.

15
16 Commissioner Pearson asked who would own the outlot.

17
18 City Planner Gadow stated it has not been determined yet but the applicant may know.

19
20 Mr. Ben Wikstrom, Lakewest Development Co. LLC, 15400 Highway 7, Minnetonka, stated in
21 regard to the grading plan and grading calculations their engineer had sent this information to the
22 City Engineer and City Planner. The project is proposed to use a total of 400-yards of fill. He
23 stated they work with a number of builders and this type of home and elevation was chosen
24 because of its limited depth and it also fits into the neighborhood. The home pads are proposed
25 to be at 958-feet elevation and the curb is at 952.7-feet elevation in front of Lot 1 and 966-feet
26 for Lot 3.

27
28 Commissioner Pearson asked who would be the owner of the outlot.

29
30 Mr. Wikstrom stated in other situations where they have platted storm water areas they have
31 maintained an association but these have all been five (5) lots or greater. In this particular case,
32 it has not been determined if Lakewest Development would be the fee owner and be responsible
33 for maintenance or if part of it would be sold with Lot 3. He stated an association could be
34 developed if the City requires it.

35
36 Commissioner Pearson stated he would like to know that someone will be responsible for the
37 maintenance of this outlot.

38
39 Mr. Wikstrom stated the intent at this time is to keep the lot under the control of Lakewest
40 Development and this would mean an association that Lakewest would be a member of.

41
42 Commissioner Crower asked if the building pad and the yard for the home that is being proposed
43 for Lot 3 would be on a hill, level with the street or below street grade.

44
45 Mr. Wikstrom stated the numbers on the preliminary plat show that the spot elevation on the
46 west side of the lot is about even and the street descends to the east. The house pad is proposed

1 to be at 958-feet elevation and the western edge of the street is at 956-feet elevation and the
2 eastern side of the lot is at 952 feet elevation.

3
4 Commissioner Vanderheyden stated he had concerns about the amount of fill but if it was kept at
5 500 yards or less then it would be within the City's Code.

6
7 Commissioner Crowder asked how big the back yard would be.

8
9 Mr. Wikstrom stated they did not plan to remove many trees and the home is proposed to be a
10 walk-out design. The fill will mostly be used to get the home pad to street level. The natural
11 grade at this location is about 940 feet elevation so there would not be much grading or filling
12 needed. He pointed out the trees that would be removed to create the yard and proper slope for
13 the lot.

14
15 Commissioner Vanderheyden stated in the center of the backyard for Lot 3 there is a batch of
16 trees that will be removed. He asked why these were being removed.

17
18 Mr. Wikstrom stated this is to create a usable backyard and for the grade to finish leveling out.
19 He stated they may be able to review this area to see if any of these trees could be maintained.

20
21 Commissioner Vanderheyden clarified these trees would be removed and then fill would be used
22 to create a yard.

23
24 Mr. Wikstrom stated this was correct. He stated the City's Code for tree replacement or
25 mitigation is not clear on what is required but the plan is to screen the frontage road area on Lot
26 2 and Lot 3 with evergreen trees.

27
28 Commissioner Vanderheyden stated the plan shows all the trees being removed from the
29 northwest corner of Lot 2. He asked if this was a result of the fill.

30
31 Mr. Wikstrom stated this was correct.

32
33 Vice Chair Iverson asked if a landscape plan had been provided.

34
35 Mr. Wikstrom stated an earlier version of the preliminary plat had contained a landscape plan but
36 after reviewing the City Code and finding there is no set requirements, they are open to
37 suggestions from the Planning Commission. The north side of both Lot 2 and Lot 3 will be
38 heavily landscaped.

39
40 Commissioner Vanderheyden asked what the implications would be for drainage into Lot 1
41 based on the final grading plan for Lot 2.

42
43 Mr. Wikstrom stated looking at the grading plan the intent is to carry the contour lines along the
44 property line.

45
46 Vice Chair Iverson asked if a drainage plan is typically included in these proposals.

1
2 City Planner Gadow stated the drainage is included in the grading plan. The City can request
3 more detailed information from the applicant.

4
5 Vice Chair Iverson stated the applicant is not providing a clear answer at this time regarding the
6 proposed drainage. She stated the Planning Commission should request additional information.

7
8 Mr. Wikstrom stated he would present the Planning Commissions specific questions to the
9 engineer and provide more detailed answers. He asked if the Planning Commission was looking
10 for a runoff calculation.

11
12 Vice Chair Iverson stated this should be included. In the past this has included average rainfall
13 calculations and this information would be helpful.

14
15 Mr. Wikstrom stated the engineer would be able to provide this information for each lot.

16
17 Commissioner Person stated the opening paragraph of the staff report states the applicant is
18 seeking concurrent preliminary and final plat subdivision approval but the criteria for the
19 ordinance states the Planning Commission shall review these factors while reviewing the
20 preliminary plat. He asked if there was something different the Planning Commission should be
21 taking into account because the applicant is also seeking final plat approval.

22
23 City Planner Gadow stated the criteria listed in the staff review are for review of the preliminary
24 plat. Page 7, of the staff report, Section 3.2, talks about cases in which the City has a concurrent
25 preliminary and final plat. This would be a situation where the City has both the preliminary and
26 final plat submitted at the same time so the Planning Commission can understand what the lines
27 are going to be if the subdivision were approved. There are no separate criteria because it is
28 assumed the final plat will be exactly the same as shown in the preliminary plat. Whatever
29 findings the Planning Commission makes for the preliminary plat would follow through to the
30 final plat.

31
32 Commissioner Crowder stated the material shows there will be 42 of the 239 trees removed or
33 17.6%. But looking at the material, it does not look like there are 239 trees and the trees marked
34 for removal appear to be more than the calculated 17%. He stated he would like to have this
35 verified. He stated he would also like to know how many trees are on the three (3) lots and what
36 percentage of those trees are going to be removed as opposed to the outlot. The impact on the
37 neighborhoods would be the three (3) lots closest to the Holdridge Terrace neighborhood. The
38 more trees removed from these three (3) lots the bigger the impact on the neighbors. He also
39 requested the City Engineer and the person responsible for tree preservation talk to the Planning
40 Commission about how realistic the loss of just 42 trees is for this development given the
41 bulldozing, grading, the fill and the construction of the homes.

42
43 Vice Chair Iverson stated she would also like this information to be provided to the Planning
44 Commission. She also requested long term impact studies be performed to determine the long
45 term impacts to existing trees this development would have.

1 Commissioner Crowder requested the City Engineer also review the grading for the proposed
2 development including a review of the actual parcels. He stated he had gone to the lot and there
3 is an existing high point behind the existing house, which is higher than the proposed pad for Lot
4 3. He had assumed the home would be built further back on Lot 3 where the elevation is higher.
5 He clarified the home was proposed to be built closer to the frontage road. He asked if this
6 proposal were approved if the developer would agree that the home could not be moved further
7 back south but rather keep it close to the frontage road. If the home is moved back further south
8 the greater the impact would be to the homes on the south.

9
10 Mr. Wikstrom stated it was his understanding the elevation was the same in the back of the lot.
11 The tree impact would be greater if the home were to be moved further back. He also stated if
12 the home were moved farther back there might be future impacts to the wetland areas. He stated
13 he would agree to a condition that states the home pad for this lot needs to remain in the north
14 section of the parcel.

15
16 Commissioner Vanderheyden stated Page 2 of the staff report, Section 1.3, states the property is
17 located in the R- 2 Medium Density Single Family (15,000 square footage minimum lot sizes).
18 The area is guided for Low Density Single Family in the Comprehensive Plan. He asked for
19 clarification on this.

20
21 City Planner Gadow stated in the Comprehensive Plan the low-density single family category
22 contemplates a density development of one (1) to four (4) units per acre. The R-2 zoning district
23 would correspond with this low-density single family category.

24
25 Vice Chair Iverson opened the public hearing at 7:35 p.m.

26
27 Ms. Nancy Tessmer, 1501 Holdridge Terrace, stated her home is on two acres and was listed as a
28 hobby farm. The character of the neighborhood is ramblers with large lots. She expressed
29 concerns with the development including the drainage from Lot 2 and how this would impact her
30 property, the home on Lot 3 is proposed to be 25 feet back but is this is moved any further back
31 then it would impact her views and this would change the current character of the neighborhood
32 and the difference in the trees and the number of trees being removed and the impact this would
33 have on the neighborhood.

34
35 Vice Chair Iverson asked if there was much wildlife in this area.

36
37 Ms. Tessmer stated there is a lot of wildlife in the area. She stated she had previous plans that
38 showed the development of the whole street but this subdivision would block any future
39 development for the rest of the neighbors.

40
41 Ms. Judy Micooley, 1618 Holdridge Terrace, asked why the backyard for Lot 3 comes behind the
42 existing home. She stated it would make more sense for that area to stay with the existing house.

43
44 Mr. Wikstrom stated additional information regarding the drainage would be provided to the
45 Planning Commission. The plan does show that the existing contours are being met at the
46 property line. The development that is being proposed is not asking for any variances and the

1 property is developable as it is proposed. Lot 3 could not be extended to the right due to the
2 MnDOT easement and utility building. The lots were configured to meet the square footage
3 requirement for the R-2 Zoning. He clarified the Planning Commission and City Council could
4 place a condition that the home could not be moved to the south portion of the property
5

6 Vice Chair Iverson closed the public hearing at 7:42 p.m.
7

8 City Planner Gadow clarified the Planning Commission would like additional information on
9 several items before the Planning Commission could make a recommendation. These items
10 include a drainage plan for all the lots, the average rainfall and runoff calculations, verification
11 of the tree removal information excluding the outlot, have the City Engineer review and field
12 verify the proposed cut and fill grading proposal, questions regarding drainage and runoff to
13 adjacent properties, having the City Forrester look at the tree impacts, and additional information
14 on landscaping and screening.
15

16 Commissioner Vanderheyden stated another resident had approached him with concerns in
17 regard to the lots to the south and how this development would preclude their future
18 development. He clarified this development had no implications for precluding any future
19 development or subdividing of the lots to the south. The City's actions would not make future
20 development any more or less difficult.
21

22 City Planner Gadow stated the concept plan that had been reference had not been formally
23 submitted. This plan contained a road that ran through Lot 3 connecting to the neighborhood to
24 the south. This development would prevent a road from being built on Lot 3 but the future
25 development and subdivision of those properties to the south would be dependant on their street
26 frontage and other items in the code that would have to be reviewed on a case-by-case basis.
27 There may be other plans that include access further to the south but he is not aware of any at
28 this time.
29

30 Commissioner Crowder asked if a person further to the south were able to get an easement for
31 Outlot A if they could have a road built.
32

33 City Planner Gadow clarified the permanent easement is MnDOT and the City does not own it.
34 Any development there would have to involve MnDOT. He stated the other challenge with a
35 road in this area would be the potential impacts to the wetlands and wetland buffer areas.
36

37 Vice Chair Iverson asked if some of the additional findings the Planning Commission is looking
38 for could include determination on if the wetland could be protected.
39

40 City Planner Gadow clarified the wetland is protected in that there cannot be any development in
41 the wetland or the wetland buffer setbacks established by the Minnehaha Creek Watershed
42 District.
43

44 Vice Chair Iverson asked if the Planning Commission would be reviewing the homes at this
45 time.
46

1 City Planner Gadow stated the Planning Commission could ask for additional details regarding
2 the homes design and materials since the applicant needs to bring other information to the
3 Planning Commission.

4
5 Vice Chair Iverson requested the applicant provide this additional information including the
6 actual materials and details.

7
8 Commissioner Crowder asked when this application would be back in front of the Planning
9 Commission.

10
11 City Planner Gadow stated it would be presented again in January 2014.

12
13 Commissioner Vanderheyden made a motion, seconded by Commissioner Crowder, to continue
14 this application to a future meeting and require the applicant to provide additional information
15 including a drainage plan for all the lots, the average rainfall and runoff calculations, verification
16 of the tree removal information excluding the outlot, have the City Engineer review and field
17 verify the proposed cut and fill grading proposal, questions regarding drainage and runoff to
18 adjacent properties, having the City Forrester look at the tree impacts, additional information on
19 landscaping and screening, and additional information regarding the home designs and materials.
20 The motion passed unanimously.

21
22 Commissioner Crowder asked if the City Council had appointed the new Planning Commission
23 members.

24
25 City Planner Gadow stated they had.

26
27 **b. Review and Adoption of Planning Commission Report and Recommendation on**
28 **Request to Modify Residential Design Plans for 110 Gleahaven Road**

29 City Planner Gadow stated the Planning Commission had previously reviewed the application of
30 110 Gleahaven Road to modify the residential design plans. The Planning Commission had vote
31 6-0 to have staff draft a Planning Commission Report and Recommendation for approval with
32 findings and conditional language. He presented a draft report based on this information.

33
34 Commissioner Vanderheyden suggested Recommendation 4.1.a be changed to reflect only Lot 2.

35
36 City Planner Gadow confirmed the setback for Lot 2 should be 22.7 feet.

37
38 Commissioner Vanderheyden stated he would accept 22 feet and the builder had stated he would
39 be agreeable to keeping the setback at the established 22.7 feet.

40
41 City Planner Gadow stated he would discuss this with the applicant. He clarified all the
42 previously approved conditions and requirements were carried through to this recommendation.

43
44 Commissioner Crowder asked if the Planning Commission could vote again or change their vote
45 to deny the request.

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JANUARY 4, 2014**

AGENDA ITEM 1. Call to Order, Roll Call and Approval of Minutes.

Chair Gonzalez called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Vanderheyden, Pearson, Gnos, and Gonzalez. Absent and excused: Commissioner Ramey and Tyacke. City Planner Gadow was also present.

Commissioner Vanderheyden stated Page 15, Line 23, has a typo and the point needs to be clarified more about needing to be accommodating for smaller lots.

Commissioner Vanderheyden made a motion, seconded by Commissioner Pearson to approve the December 16, 2013 workshop minutes as amended above. The motion carried unanimously.

AGENDA ITEM 2. Regular Agenda Public Hearing Item.

**a. 1409 HOLDRIDGE TERRACE – LAKEWEST DEVELOPMENT CO. LLC
(Continued from December 2, 2013 meeting)**

i. Concurrent Preliminary/Final Plat for Three (3) Lot Subdivision

City Planner Gadow presented the application of 1409 Holdridge Terrace for a three (3) lot subdivision. He stated at the December 2, 2013 meeting the Planning Commission had requested additional information. He reviewed the grading plan with the cut/fill calculations, drainage plans for all three (3) lots, the proposed landscape and screening plan, and the tree inventory including the number of trees that will be removed. He stated the City Engineer has reviewed the grading plan and the cut/fill calculations. The City Engineer's response is what the applicant is proposing for the amount of fill for Lot 2 and Lot 3 would meet the City's Code and be under the 2-foot average threshold of fill. If the subdivision is approved, the Applicant would be required to receive a grading permit, and ensure that proper grading and erosion control techniques are utilized, and would be field verified. The Applicant's engineer also provided calculations for water runoff on the properties based on 2 yr, 10 yr, and 100 yr rainfall events. The City Engineer has reviewed the drainage plan and calculations, and has requested a water flow line, which was provided by the applicant today. The Applicant has also provided an illustrated preliminary landscape and screening plan for the properties. The plan proposes to plant a mixture of 22 deciduous and coniferous trees and 46 shrubs on Lots 2 and 3. The Plan includes a planting inventory. Per the Commission's request, the Applicant has revised the tree inventory and removal calculations to exclude the undeveloped Outlot A and only include Lots 1, 2, and 3. For Lots 1, 2, and 3, the total number of significant trees is 133. As part of the development of Lots 2 and 3, 52 trees are proposed to be removed for construction of the houses and grading (39.1%). Staff sent the proposed landscaping and tree removal plans to the City's tree consultant for review and there are comfortable with the plans but did have some additional questions for the applicant to ensure the trees marked for removal on the plan match the trees that are removed. The tree consultant also recommended a few of the trees be changed to a

1 species that would work better in this environment. This information has been provided to the
2 applicant. The Applicant has provided an illustration of the proposed house design with an
3 inventory of proposed building materials. The Applicant's architect is working on a building
4 material sample board. At the December 2nd meeting, the Commission discussed the possible
5 condition of approval that the proposed house on Lot 3 would be required to remain in the north
6 section of the parcel as shown on the preliminary plat, and could not be moved further to the
7 south. This is to prevent impacts to the adjacent residential properties to the south. The Applicant
8 indicated on December 2nd that they were agreeable to this condition.

9
10 Commissioner Vanderheyden asked if the water flow line analysis requested by the City
11 Engineer was in addition to the one included in the staff report.

12
13 City Planner Gadow explained that at the time the staff report had been prepared, the applicant
14 did not have the water flow line analysis available. This has been provided since then and has
15 been provided to the Planning Commission for review.

16
17 Chair Gonzalez stated the minutes from the December 2, 2013 meeting reflect concerns from
18 residents that this development would limit future development in this area. She asked how
19 future development would be impacted.

20
21 City Planner Gadow stated there was never a formal plan submitted but at one time, there had
22 been discussion by the neighborhood about a larger scale, multiple-lot subdivision project. The
23 concern that was raised at the public hearing was if this subdivision was approved, it would
24 prevent a road from coming off the frontage down to the lots farther to the south. This would
25 limit those residents from doing the larger scale multiple-lot development they had discussed.
26 The proposed lot subdivision does not allow for a road in this particular location but different
27 configurations could be looked at once a formal plan has been submitted.

28
29 Mr. Ben Wikstrom, Lakewest Development Co. LLC, 15545 Highway 7, Minnetonka, stated
30 Marty Campion is the project engineer.

31
32 Chair Gonzalez thanked the applicant for providing the additional information in a format the
33 Planning Commission could use.

34
35 Commissioner Vanderheyden stated according the building design plan submitted, the garage
36 would be on the left side of the home but the preliminary landscape plan shows the garage on the
37 right.

38
39 Mr. Wikstrom clarified this was a mirror image based on the layout of the lot but the design is
40 the home that would be built.

41
42 Commissioner Vanderheyden asked what the side elevation would be for the end-loading garage.

43
44 Mr. Wikstrom stated he would provide this information.
45

1 Commissioner Vanderheyden stated on Page 5 of the run off report, it appears there would be
2 .18-inch variance between the two run-off amounts. He asked where this would be.

3
4 Mr. Marty Campion, Project Engineer, explained this takes into account the run off in the
5 increase in the volume and the depth, which is due to the increase in the impervious surface (the
6 two (2) homes that are being added). It is the same rainfall falling in the area and the 2.9-inches
7 versus the 3.18-inches is over the area that it falls on. The pertinent calculation to look at is once
8 the runoff gets to the wetland. The topography of the area is a swale in the middle of the three
9 (3) lots to protect the lots to the south and this is deposited in the wetlands. The wetland
10 calculation provides the volume of water to the wetlands at .516 acre-feet. He used this figure to
11 calculate the increase in the level of the wetlands. The portion of the wetland that he used was
12 just the portion that is included in the subdivision, simulating if there were a wall at the property
13 line based on the 100-year rainfall the wetlands would raise approximately .5-inch.

14
15 Commissioner Vanderheyden stated this amount would be inconsequential.

16
17 Commissioner Pearson clarified all the runoff would work its way to the wetland naturally and
18 there would not be a need for manmade drainage.

19
20 Mr. Campion stated this was correct. He stated the Forrester who reviewed the plan had asked
21 why some of the trees in the rear of Lot 3 were being removed. According to the grading plan,
22 those trees are located in the swale that brings water from Lot 2 to the wetland. There is some
23 additional grading that is causing the removal of 6-8 trees.

24
25 Commissioner Vanderheyden asked if there would be fill going in this area.

26
27 Mr. Campion clarified it would be a cut. The existing condition has a 946-foot pocket and
28 another 946-foot contour with a high ground in between. The grading will cut down this high
29 ground so the water can drain to the wetlands. This is being cut for the intention of clearing the
30 drainage.

31
32 Commissioner Pearson asked how much of the calculations would be considered 'science' and
33 how much would be considered 'art.'

34
35 Mr. Campion stated the drainage will work the way it is suppose to because the contours are
36 such that the water will be routed to the wetlands. Most engineering firms use the same Hydro-
37 CAD program to do storm water runoff calculations. The inputs are usually static but you can
38 get some variations in interpretation.

39
40 Commissioner Vanderheyden clarified the elevation for the Outlot is 942-feet and the pocket
41 would be cleared to 946-feet.

42
43 Mr. Campion stated the Outlot elevation is approximately 942-feet and the plan is to grade the
44 high ground between the two (2) 946-feet elevation points so that it flows to wetlands, which is
45 at an elevation of 941-feet.

1 Chair Gonzalez expressed concerns that if everything is drained to the wetlands there would be a
2 chance of contamination. She asked if the developer had considered including rain gardens or
3 other means of cleaning the water prior to it going into the wetlands.

4
5 Mr. Champion explained these are two different things in terms of cleansing and limiting the
6 water. All the water going to the wetlands is overland flow so it would be through swales and
7 grass, which provide natural filtering. Generally when they are working with backyard drainage,
8 similar to this development, they do not include rain gardens. Rain gardens or permanent pools
9 are to clean what comes off the streets.

10
11 Commissioner Vanderheyden asked if there would an easement or drainage easement agreement
12 between Lot 1, Lot 2 and Lot 3 to ensure the owner of Lot 3 understands there will be some
13 water that drains in the rear of their property.

14
15 Mr. Champion stated there would be some arrangement for this to make sure they understand
16 there will be drainage and to ensure they do not change the topography of this area to impede the
17 drainage. This is typically done through a drainage easement. He clarified the side yard
18 easements are typically drainage and utility easements but for Lot 3 it would be platted as a
19 drainage easement only.

20
21 Chair Gonzalez asked if the Mr. Champion expected any drainage onto the existing properties to
22 the south of this development.

23
24 Mr. Champion explained there would not be any direct runoff to the south. The water would drain
25 into the wetland and then be discharged to the existing location to the south.

26
27 Chair Gonzalez stated she would not recommend the Planning Commission approve a plan that
28 would turn the wetland area into a holding pond.

29
30 Mr. Champion stated all necessary precautions are taken to protect the wetlands in accordance
31 with State laws.

32
33 Chair Gonzalez asked what the height of the proposed homes would be.

34
35 Mr. Wikstrom stated the elevation is 30-feet off the front entry grade.

36
37 Commissioner Vanderheyden asked if there would be a significant roof change to accommodate
38 the entry of the proposed homes.

39
40 Mr. Wikstrom stated there would not be.

41
42 Chair Gonzalez stated the City's Ordinance only allows up to 30-feet in elevation in this district.

43
44 City Planner Gadow clarified it would be allowed 30-feet to the mid-point and 5-feet above that
45 full roof pitch.

1 Chair Gonzalez asked if the developer had reviewed the comments provided by the City's tree
2 consultant.

3
4 Mr. Wikstrom stated he had received these comments today. Some of the comments included
5 how they would need to change some of the call outs to clarify species and genus. The plan filed
6 with the City will include this information. The arborist had asked about some of the tree
7 removals and these were for drainage. There were a few dead trees that will be removed at the
8 same time everything else is graded out. The inventory list was modified as requested. One
9 thing the landscape architect had mentioned was they would do everything they could to save the
10 42-inch oak tree on the property. It is called out as removed in the plan but they will try and
11 save it.

12
13 Commissioner Vanderheyden asked if the City's Ordinance required the genus to be listed.

14
15 City Planner Gadow stated it is required for the formal administrative permit for tree removal. It
16 is not required for preliminary or final plat approval but this is something that the Planning
17 Commission has reviewed in their workshops.

18
19 Chair Gonzalez opened the public hearing at 7:33 p.m.

20
21 Ms. Nancy Tessmer, 1501 Holdridge Terrace, expressed concerns regarding the placement of the
22 home for Lot 3. Originally it was 30 feet from the frontage road. Anything farther back will
23 impact her property more because she does not want to be in her backyard and see someone
24 else's backyard.

25
26 City Planner Gadow clarified the home was shown at 23 feet from the frontage road.

27
28 Ms. Tessmer requested the home be kept in this location. She also asked that the Planning
29 Commission put something in place so no additional future development, like a pool, could be
30 done on this property because it would change the character of the neighborhood. She stated she
31 had concerns about the wetland drainage and if this would affect her property. It appears the
32 area closer to her home would not be affected but the outer portions of the property may be and
33 this should be addressed. She stated there had been a development proposal that did not get to
34 the City, which included her property, the property being reviewed, and another property
35 developing eight (8) homes. There are other neighbors who are interested in subdividing their
36 property. She asked about the number of trees being removed. The proposal shows 52
37 significant trees being removed but at the December 2, 2013 meeting there were 239 total trees
38 being removed. She asked what percent of the non-significant trees would be removed.

39
40 City Planner Gadow stated the tree calculations presented at the December 2, 2013 meeting
41 included the trees on Outlot A. The Planning Commission had asked that these trees be removed
42 from the calculations because that lot was not being impacted and the Planning Commission felt
43 this deflated the number of tree impact. Only the trees that are significant are on the plat. These
44 include trees that are 6-inches in diameter or larger or 8-feet or taller for a coniferous tree.

1 Ms. Tessmer stated the number of non-significant trees removed would impact the residents to
2 the south of this development.

3
4 Chair Gonzalez closed the public hearing at 7:37 p.m.

5
6 Commissioner Vanderheyden stated there were a couple of conditions that could be added to
7 provide additional protection. There are 52 trees being removed and only 22 trees being put in.
8 He would like to increase this amount to 32-35 trees.

9
10 Chair Gonzalez stated the Subdivision Ordinance and the Comprehensive Plan take the removal
11 of trees into consideration. She asked if there was an opportunity or if there was room to add
12 more trees.

13
14 City Planner Gadow stated there might be in the back area where there was concern about the
15 buckthorn and underbrush being removed. He stated he would work with the Parks Department
16 and the Tree Consultant regarding this.

17
18 Commissioner Pearson stated he had concerns previously about the drainage and grading and the
19 applicant has addressed these concerns.

20
21 Commissioner Gnos agreed with increasing the number of trees being replaced in the
22 development.

23
24 Commissioner Vanderheyden suggested the Planning Commission add the following conditions:
25 1.) A drainage easement be established and recorded with the City, 2.) The front yard position
26 for the home on Lot 3 is maintained as it is currently proposed, and 3.) Staff review the side
27 elevation for the end-loading garage.

28
29 City Planner Gadow asked if Commissioner Vanderheyden would also consider a condition for
30 adding tree density for Lot 3 or where appropriate for additional screening.

31
32 Commissioner Vanderheyden agreed that a condition should be added that required an increase
33 in the number of trees replaced and the caliber of these trees to match the current proposal.

34
35 Chair Gonzalez recommended a condition that the drainage impacts to the property to the south
36 be minimized.

37
38 City Planner Gadow stated this would be a requirement but it could also be called out in a
39 condition.

40
41 Commissioner Vanderheyden stated the wetland to the south is 2-feet higher and the water
42 should not go up hill to impact this property.

43
44 Commissioner Vanderheyden made a motion, seconded by Commissioner Pearson, to
45 recommend approval of the Preliminary/Final Plat for Three (3) Lot Subdivision located at 1409

1 Holdridge Terrace subject to the finding listed in the staff report and five (5) conditions noted by
2 City Planner Gadow.

3
4 City Planner Gadow stated the conditions are: 1.) Affirmation of a drainage easement on Lot 3
5 showing Lot 1 and Lot 2 would be draining onto Lot 3, 2.) The property owner, for Lot 3,
6 maintain the front yard position for the home site at 25.3-feet to the property line, 3.) The
7 applicant provide a side yard elevation for the home site on Lot 2 for the side-loading garage. 4.)
8 The applicant add additional tree density to the rear yard of Lot 3 to provide additional screening
9 to the adjacent properties to the south, approximately ten (10) more trees of the same caliber as
10 those trees contained in the landscape plan, and 5.) The applicant must mitigate or limit the
11 drainage to the lots to the south, including but not limited to 1501 Holdridge Terrace and the
12 wetlands therein. The standard conditions would also be included as part of the approval.

13
14 The motion carried unanimously.

15
16 City Planner Gadow stated this would be presented to the City Council at the January 21, 2014
17 meeting.

18
19 **AGENDA ITEM 3. Other Items.**

20
21 **a. Review of Development Activities**

22 City Planner Gadow reported the January 27 workshop would include the City Attorney to
23 review land use with the new Planning Commissioners and if there were any other ordinances
24 ready for review, they would be looked at during this meeting. The City Council has a workshop
25 scheduled for January 5, 2014 to continue discussions about the design for the Anchor
26 Bank/Walgreen building. The City Council will formally review this plan January 21, 2014.

27
28 **b. Other Items**

29 City Planner Gadow stated the City Council had discussed the Bushaway Road project and this
30 would be again considered at its January 5, 2014 meeting.

31
32 Commissioner Pearson asked if there was a schedule outlining what Council meetings each
33 Planning Commissioner was responsible to attend.

34
35 City Planner Gadow stated this had been provided but he would make sure that other members
36 who were not in attendance at the last meeting received a copy.

37
38 Chair Gonzalez stated the City has a Heritage Preservation Board and the Planning Commission
39 should have a member attend their meetings.

40
41 City Planner Gadow stated the first meeting of the month is an evening meeting starting at 7:00
42 p.m. and the second meeting of the month is a 7:00 a.m. meeting.

43
44 Chair Gonzalez stated she would send an e-mail to the Planning Commission as it would be good
45 to have someone attend those meetings.

RESOLUTION NO. 06-2014

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT SUBDIVISION AT
1409 HOLDRIDGE TERRACE

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

1.1. Development Application. Lakewest Development Co, LLC (the “Applicant”) has purchased the property at 1409 Holdridge Terrace (the “Property”), and submitted a Development Application (the “Application”) requesting concurrent preliminary and final plat subdivision approval (the “Subdivision” or the “Preliminary/Final Plat”) for a three (3) lot subdivision on the above-referenced 2.3 acre property (the “Project”). The Project would keep the existing single family home on one lot, and construct two (2) new single family homes on the two (2) newly created lots.

1.2. Property. The property identification numbers and owners for the Property involved in the proposed Application is as follows:

1409 Holdridge Terrace	04-117-22-32-0024	Gary E. Briggs
------------------------	-------------------	----------------

1.3. Land Use. The Property is located within the R-2 Medium Density Single Family Residential District, as defined in Section 801.54 of the Wayzata Zoning Ordinance. The Property is guided for Low Density Single Family Residential District in the Wayzata Comprehensive Plan.

1.4. Procedural Requirement. Notice of a Public Hearing on the Subdivision was published in the Lakeshore Weekly on November 19, 2013. A copy of the Notice of Public Hearing on the Subdivision was also mailed to all property owners located within 350 feet of the Property on November 19, 2013.

1.5. Planning Commission Action. A public hearing on the Subdivision was held at the Planning Commission’s December 2, 2013 meeting at which the Planning Commission requested additional information from the Applicant and voted to continue review of the Application to a future meeting on a four (4) in favor and zero (0) opposed vote. The Planning Commission continued review of the Application on January 6, 2014 and voted four (4) in favor and zero (0) opposed to recommend approval of the Application with conditions to the City Council.

Section 2. STANDARDS

2.1 Subdivision Approval Required. Chapter 805 of the Wayzata City Code, (the “Subdivision Ordinance”) sets forth the procedure and substantive review criteria for applications for a subdivision and approval of preliminary and final plats. Before any plat can be recorded or of any validity, it must be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of the Subdivision Ordinance. Section 805.03.

A. Goals. Under Section 805.2.b of the Subdivision Ordinance, subdivisions approved under the Subdivision Ordinance must be guided by the following:

1. Preserve and enhance Wayzata’s “small town” character (Comprehensive Plan).
2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
3. Provide a balanced housing supply available for all people no matter their income, age, race or ethnicity (Comprehensive Plan)
4. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
5. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).

B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the City Council must consider the possible adverse effects of a preliminary plat. Its judgment must be based upon, but not limited to, the following factors:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.

3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.
 4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
 5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
 6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
 7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
 8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
 9. The proposed lot layout and building pads shall conform with all relevant performance standards.
 10. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
 11. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.
- 2.2 Concurrent Preliminary/Final Plat. Section 805.15 of the Subdivision Ordinance allows the City to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the City. Otherwise, it shall conform to the approved preliminary plat.
- 2.3 Parkland Dedication Fee. Section 805.37 of the Subdivision Ordinance requires a parkland dedication fee for new single family lots at the time of recording of the Final Plat.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the Subdivision requested in the Application does meet the applicable requirements of Wayzata's Zoning and Subdivision Ordinance, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

- 3.1 Concurrent Preliminary and Final Plat Subdivision. Based on the Application, reports of City Staff, and comments and information presented at the Public Hearing on the Application, the Recommendation of the Planning Commission, the City Council of the City of Wayzata makes the following findings on the request to approve the Preliminary/Final Plat as depicted in the Application:
- A. Goals. The subdivision proposed in the Application does meet all of the goals under Section 805.2.b of the Subdivision Ordinance.
 - B. Criteria for Approval. The City Council has considered the possible effects of the Subdivision and makes the following findings with respect to the factors listed in Section 805.14.e:
 - 1. The Subdivision conforms with low density development for this residential area. Lot sizes meet and exceed the 15,000 SF minimum of an R-2 area. The proposed subdivision would meet the density guidance for the Low Density Single Family guidance in the Comprehensive Plan.
 - 2. The Applicant has provided a grading plan and lot layouts for the proposed two new lots. The Applicant has also provided a tree protection and landscaping plan for the Property. The proposed project would remove 52 trees, and add new trees where appropriate as depicted on the Applicant's landscape plan. The proposed landscaping plan has been reviewed by the City Parks Department and the City Tree Consultant.
 - 3. The Applicant has provided the required lot layouts, grading plan, and landscaping plan for the Property. The Applicant is proposing walkouts for both new single family homes. The Project would propose to add fill on the north side of Lots 2 and 3 in order to site the homes at or above the elevation of the street for drainage purposes. Fill is minimized towards the rear portions of Lots 2 and 3 to match the existing lower elevations for the walkout portions of the proposed structures. A grading plan and cut and fill calculations were submitted as part of the Application and will need final review

and approval by the City Engineer prior to any construction work so that land disruption is minimized.

4. The Applicant has also provided a tree protection and landscaping plan for the Property. The proposed project would remove 52 trees, and add new trees where appropriate as depicted on the Applicant's landscape plan. The proposed landscaping plan has been reviewed by the City Parks Department and the City Tree Consultant.
5. The proposed lots conform with other lots in the immediate vicinity in terms of configuration and will not have an adverse impact on the adjacent neighborhood. The proposed lots exceed the 15,000 SF lot area minimum for the R-2 District.
6. The proposed lot layouts are similar to other lot layouts in the immediate vicinity.
7. The proposed lot sizes are similar to those in the area. The proposed lot conforms to the R-2 District minimums for lot area.
8. The Applicant has provided the proposed building plans (the "Building Plans") for the new two lots, which is incorporated as part of this Resolution as Attachment B.
9. The proposed lot layouts conform with all performance requirements of the R-2 District.
10. The City is unaware of anything about the Subdivision that would tend to or actually depreciate the values of neighboring properties in the area in which the Subdivision is proposed.
11. The Subdivision could be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings in Section 3 of this Resolution, the requests for approval of the Concurrent Preliminary/Final Plat Subdivision (Attachment A) and Building Plans (Attachment B), as set forth in the Application and attached to this Resolution, are **APPROVED** subject to all of the following conditions (failure to comply with any one of these conditions shall result in the revocation of the approvals):

- A. The Applicant shall construct the single family detached Building Plans included in the Application, and depicted in Attachment B.
- B. The Applicant and/or future owners shall enter into a drainage easement between Lots 1, 2, and 3 to address water drainage across Lot 3. This drainage easement shall be properly recorded against the properties with Hennepin County.
- C. The Applicant shall provide an illustrated building elevation depicting the side loading garage elevation (north elevation for Lot 2) to City Staff for review.
- D. The building pad and associated structure on Lot 3 shall maintain the 25.3 ft front yard setback as depicted on the submitted Preliminary Plat (Attachment A), and shall not be moved further to the south to minimize impacts on adjacent properties to the south.
- E. The Applicant shall add ten (10) additional new trees to the Landscaping Plan, of the same size and caliber as those shown on the Landscaping Plan, to provide additional screening to the adjacent lots to the south. The Applicant shall also modify the Landscaping Plan based on the comments of the City's Tree Consultant to include coir logs or mulch berms, and replace red maples for hackberry trees and white pine for red cedar trees.
- F. The Applicant and future owners shall mitigate and limit any water drainage impacts to the adjacent properties to the south.
- G. That all expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred shall be fully reimbursed by the Applicant.
- H. The Applicant shall implementation of the Landscaping Plan (Attachment C), including tree protection measures, included in the Application. The Applicant shall also follow the City's Tree Ordinance and use a tree contractor that is licensed with the City.
- I. The Applicant shall secure all necessary building permits for construction, comply with the stipulations of City Code Section 801.91.19.C, and all laws and regulations applicable to the Project.
- J. The Applicant shall pay the required parkland dedication fee, as required under Section 805.37(i)(1) of the Subdivision Ordinance, at the time that the Final Plat is recorded.
- K. The Applicant shall record the Final Plat document (Attachment A) with the appropriate Hennepin County officials within one hundred twenty (120)

days in conformance with Section 805.15.E.7, and provide a recorded copy to the City.

Adopted by the Wayzata City Council this ____ day of January, 2014.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2014.

Becky Malone, Deputy City Clerk
SEAL

Attachment A
Concurrent Preliminary and Final Plat

Attachment B
Building Plans

Attachment C
Landscape Plan

CITY OF WAYZATA



PLANNING DEPARTMENT

MEMORANDUM

To: City Council
From: Bryan Gadow, City Planner
Date: January 16, 2014
Re: 328 Barry Ave S Parking Agreement

Background

In 2004, the City Council approved the development of a three story mixed use office project at 328 Barry Ave S. Included in this approval was a CUP to reduce the number of parking stalls required for the building. On January 22, 2008 the City Council approved two programmatic changes to the building to allow a second level of underground parking, the upper two floors to be utilized as office use, and the lower floor to be utilized as residential. In December of 2010, the City Council reviewed and approved a request from the owner to allow the building to be fully utilized for office use, as is allowed under the current design standards and C-4 zoning. A condition of that approval was that the owner work with staff to draft a development agreement to address future proof of parking.

Since that time, the current owner of the 328 Barry Ave S property (the "Property"), Mr. John Nolan and his staff, have worked with City Staff and the City Attorney to draft a parking agreement to provide for future proof of parking and address parking concerns if the building usage were to exceed the thirty three (33) underground parking spaces that are within the building.

Under the current office usage of the building, the parking requirement is as follows:

- $14,188 \text{ SF of Gross SF} \times 0.90\% (\text{Net SF}) = 12,769.2 \text{ SF} / (1 \text{ stall} / 250 \text{ SF}) = 51 \text{ stalls}$
- Total Spaces Required: 51 spaces
- $51 \text{ Required Spaces} - 33 \text{ Existing Spaces} = 18 \text{ space deficit}$

Under the draft development agreement (attached), the Property can operate as it currently does with the 33 existing parking spaces, under the owner's representation that the tenant parking needs of the building will not exceed the number of existing spaces. However, the owner is required to consult with the City when there is a potential change in tenants to determine the parking impact. If the change in tenants would result in an increased on-site parking need in excess of the existing parking, the owner would be required to procure additional parking spaces to accommodate the additional demand.

WAYZATA CITY HALL

600 EAST RICE STREET WAYZATA, MINNESOTA 55391-1799

(P) 952-404-5312 - (F) 952-404-5318

Mr. Nolan's 2010 letter provides an analysis of their current actual and potential future parking demand, which is met by the existing 33 spaces on the site.

Attachments

- Letter from Mr. Nolan December 2, 2010
- Draft Parking Development Agreement



To: Wayzata City Staff & Wayzata City Council
From: Nolan Properties Group
Subject: Amendment to Resolution No. 2844
Date: December 2, 2010

328 Barry, LLC is seeking to amend Resolution No. 2844, which approved a new three-story building at 328 Barry Avenue in 2004. At the time of the resolution, the City's Design Standards for new multi-story buildings in the Bluff District required one floor of residential use. This requirement has since been dropped. Accordingly, we are seeking to remove the condition requiring one floor of residential use from Resolution 2844.

This modification is driven by a prospective office tenant's interest in leasing part of the first floor of the building. While our proposed modification is in line with current zoning requirements, we do want to acknowledge and address the implications the proposed change could have on the parking requirements of the City of Wayzata. Currently, the property has 33 spaces on two levels of underground parking. Converting the whole building to office use would create a hypothetical parking stall requirement of 51 stalls:

Total Gross Building SF: 14,188 SF
Total Net Building SF: 14,188 SF less 10% for common areas = 12,769 SF
Total Number of Spaces required for Office Use: 1 stall/250 SF of floor area
Total Number of Stalls Required: 12,769 SF x (1/250 SF) = 51 stalls

As indicated above, the City's current parking requirement for office is one parking space for every 250 square feet. However, we believe this ratio for standard "suburban" office buildings does not accurately reflect the parking demand generated by office use at 328 Barry. Therefore, we propose reducing the number of required parking stalls pursuant to section 801.20.18 of the City of Wayzata's zoning ordinance, which states "the City may reduce the number of required off-street parking spaces and or loading spaces when the use can demonstrate in documented form a need which is less than required."

We would be pursuing a reduction in the number of required parking spaces via an amendment to the original resolution approved in 2004. Accordingly, we would expect to execute a development agreement with the City of Wayzata concerning

parking. Action under this agreement would be triggered in the future if actual parking demand were to exceed the levels we anticipate based on current and prospective documented demand.

Nolan Properties Group has seven employees occupying 2043 square feet of space on the third floor of 328 Barry, and our prospective tenant is seeking to occupy 1805 square feet with six employees. Assuming one car per employee, these numbers equate to one parking space for every 292 square feet of tenant-occupied space and one parking space for every 301 square feet of tenant-occupied space, respectively. On average, then, the parking demand generated by current and prospective use at 328 Barry is equal to 1 parking space per 296 square feet of tenant occupied space.

In addition to attracting boutique professional users who generate less parking demand than most office tenants, the small floor plates and high design standards at 328 Barry significantly impact the building's usable floor area. While a 10% discount on gross building area might account for common areas in a standard suburban office building with large floor plates, it does not accurately reflect the usable floor area of 328 Barry, where 31% of the building is devoted to common areas. Based on the actual floor plans of the building and the parking requirements of our current and prospective tenants, we calculate the parking demand generated by three floors of office use at 328 Barry to be:

Total Gross Building SF: 14,188 SF

Total Net Building SF: 14,188 SF less 31% for common areas = 9,793 SF

Total Number of Spaces required for Office Use: 1 stall/296 SF of floor area

Total Number of Stalls Required: $9,793 \text{ SF} \times (1/296 \text{ SF}) = 33 \text{ stalls}$

Given that the proposed amendment to Resolution No. 2844 would generate a documented parking demand equal to the number of enclosed stalls currently available on site, we do not believe there would be any immediate impact on parking in the City of Wayzata. However, we are prepared to execute a development agreement with the City that would contemplate how a documented parking deficiency might be best addressed at 328 Barry should the issue arise in the future.

CITY OF WAYZATA

Development / Parking Agreement

THIS AGREEMENT made this ___ day of _____, 2014, by and between the City of Wayzata, a Minnesota municipal corporation ("City") and 328 Barry Avenue, LLC ("Owner") regarding that property located at 328 Barry Avenue, Wayzata, Minnesota (the "Property"). In consideration of one dollar and other good and valuable consideration, including the terms set forth herein, and pursuant to Resolution No. 2844, adopted by the Wayzata City Council on October 5, 2004 (collectively herein "City Resolution"), the parties agree as follows:

I. Terms.

1. **The Property.** The Property is located at 328 Barry Avenue, Wayzata, Hennepin County, Minnesota and the legal description is attached hereto as Exhibit A. The PID number for the Property is 06-117-22-24-0012.
2. **The Project.** The Project containing a three-story, 14,188 square foot office building with two levels of underground parking garage located on the Property (the "Project").
3. **Owner.** Notwithstanding any language to the contrary herein, "Owner" shall mean 328 Barry Avenue, LLC until such time as the fee title to the Property is transferred to another entity or person, at which time 328 Barry Avenue, LLC shall be released from all obligations hereunder so long as the new owner in writing assumes the obligation hereunder and the new fee owner shall be the "Owner" for the purposes of this Agreement.

II. Parking.

1. **Financial Responsibility.** The Owner acknowledges and agrees that the Property shall be financially responsible to the extent set forth in this Agreement (and specifically Paragraph 3(d) hereof) for the Property's proportionate share of costs incurred by the City to acquire, construct and maintain any on-street parking spaces, surface parking lot and/or ramp parking for use by the general public within the Assessment Area as defined in Paragraph 3(c) of this Agreement (each a "Parking Facility"), in accordance with City Code Section 801.20.17.
2. **Approval.** Pursuant to the Amendment of City Resolution No. 2844 dated the 12th day of December, 2010, the City has agreed to remove the condition requiring one floor of residential use on the Property subject to the execution of this Parking Agreement. The City hereby approves Owner's parking plan for the Project with thirty-three (33) underground spaces, leaving the Project eighteen (18) spaces short of the fifty-one (51) spaces required under current City ordinances. The City's approval is based on the Owner's representation that the tenants currently, or soon to be, in occupancy of the Project will result in no more than 33-full time employees (or full-time equivalent employees) that are working in the Project at any one time, with two part-time employees considered the equivalent of one full-

time employee (it being acknowledged that, due to vacations, sick leave, business travel or other circumstances, not all employees or tenants of the Project may be present at the Project each day at the same time). All references to "Current Parking Need" in this Agreement shall mean and refer to the need for parking spaces at the Project for 33-full time employees (with two part-time employees considered the equivalent of one full-time employee) that are working in the Project at any one time, exclusive of parking need for visitors, customers and guests.

3. **Special Assessments.** Any special assessments levied by the City to fund the acquisition, construction and/or maintenance of one or more Parking Facilities which would be available for the use of employees, invitees and tenants of the Project, will be levied pursuant to Minnesota Statute Sections 429.011 through 429.091, and as follows:

(a) **Definition of "Benefit".** Such statutes provide that special assessments may be levied against a property only to the extent that such property "benefits" from improvements funded by special assessments, and the amount of such "benefit" equals the increase of the fair market value of the improvements. Acknowledging that it may be difficult to quantify or measure the increase in fair market value resulting from the provision of public parking facilities in the vicinity of the Project, the City and Owner agree that the cost of providing public parking shall result in an increase in the fair market value of those properties benefiting from such parking in a collective amount identical to such costs, but shall not exceed the cost of \$7,500 per surface parking space, and \$17,500 per parking space in a ramp, as adjusted for inflation from the date of this Agreement, and as further adjusted in the following paragraphs of this Agreement to determine the Property's proportionate share. The defined cost per parking space limit set forth above is intended to apply, pursuant to this Agreement, only to the Owner and not necessarily to other property owners assessed.

(b) **Apportionment of Special Assessments.** The City may establish a different rate of assessment for properties benefited to a greater or lesser extent by such Parking Facility. Owner acknowledges and agrees that any apportionment of the costs of such Parking Facility which benefits the Property and other properties may be apportioned based on the number of parking spaces which any one benefited property has failed to provide in accordance with the pertinent City ordinances (a "Parking Shortage"). The extent of the Parking Shortage for the Property shall be determined as of the date that the City decides to construct a Parking Facility benefitting the Property. For example, a property which failed to provide 46 parking spaces as required by the pertinent City ordinance would pay twice as much in special assessments as a property whose shortage is 23 parking spaces for such a Parking Facility benefiting both properties. To the extent that the Owner has secured permanent alternative parking spaces that have been approved by the City Manager or his or her designee pursuant to Paragraph 8 of this Agreement prior to the City's adoption of a resolution authorizing construction of a Parking Facility, the number of parking spaces provided for the Property as a result of such permanent alternative parking spaces shall reduce the number of parking spaces included in the Parking Shortage of the Property in the foregoing calculation. For purposes of this Agreement, "Permanent Alternative

Parking Spaces” means exclusive parking spaces that the Owner has secured the right to use for a period of ten (10) years or more by acquiring title thereto or an easement, license or other written agreement to use such parking spaces for a period of ten (10) years or more.

- (c) **Assessment Area.** Any Parking Facility within the following “Assessment Area” shall be deemed to be beneficial to the Project. The Assessment Area shall be those parcels of land bounded by Minnetonka Avenue on the east, Rice Street on the north, Barry Avenue on the west, and Lake Street on the south. When the City levies special assessments for such a Parking Facility, it may elect to adjust such assessments on the basis of proximity of the Property to the Parking Facility. Owner shall benefit from such adjustment in like fashion to others assessed, but Owner agrees that special assessments for such Parking Facility may be apportioned among properties within the Assessment Area without an adjustment based on the distance between the benefited property and the Parking Facility. The absence of such an adjustment is justified by the fact that to the extent that the users of properties closer than the Project to a new Parking Facility make use of such facility, pre-existing public parking located closer to the Project will then be freed up and available for users of the Project. The City reserves the right to levy assessments within a smaller assessment area than the one described above.
- (d) **Area Parking Shortage.** The Property’s proportionate share of the assessments for Parking Facilities that have been levied prior to December 12, 2020 (the “Termination Date”) shall in no event exceed the cost of acquiring, constructing and maintaining eighteen (18) parking spaces (subject to the cost per space limit in Paragraph 3(a) above and the adjustment for alternative parking arrangements provided for in Paragraph 3(b) above), in proportion to the then existing assessment area shortage of required parking spaces for all properties in the assessment area. In determining the Property’s proportionate share of any such new Parking Facility costs, Owner’s percentage of the area shortage shall be multiplied times the total cost of the Parking Facility to determine the dollar amount payable by Owner, subject to the aforesaid cost per parking space limit in Paragraph 3(a) above, the adjustment for alternative parking arrangements provided for in Paragraph 3(b) above and other terms set forth in this Agreement. In no event may Owner be assessed for the costs to acquire, construct and maintain more than eighteen (18) parking spaces (subject to the cost per space limit in Paragraph 3(a) above and the adjustment for alternative parking arrangements provided for in Paragraph 3(b) above) with respect to Parking Facility assessments that are levied prior to the Termination Date.
- (e) **Obligation to Specially Assess.** In order to assess Owner under this Agreement for any new Parking Facility costs, the City must specially assess the cost of the Parking Facility to all properties in the area defined in Paragraph 3(c) above.
- (f) **Maintenance Costs.** Costs of maintaining any such parking facility may be assessed separately from the costs of acquisition and construction of same and shall not be subject to the per space limit provided at Paragraph 3(a) above. Owner agrees that

the Property shall pay its proportionate share of maintenance costs as is allowed by state law.

4. **Most Favored Owner Status.** The City is in the process of studying its parking shortage, means to alleviate same and methods of financing such amelioration. In the interim the City and Owner agree that the relevant parking space standard is 1 parking space per 250 sq. ft. of gross building area for office use and that the accumulated parking shortage of the Property identified to date per current City ordinances is eighteen (18) spaces. To the extent that there are amendments to the existing ordinance which change the parking requirements, Owner shall have the benefit of such changes in that Owner's percentage share of the total shortage of required spaces in the assessment area may decrease, but shall never increase, and otherwise Owner shall benefit from the outcome of such amendments.
5. **Challenges to Assessments.** The parties acknowledge that variances and other permits for parking deficiencies have previously been granted to the owners of other properties in downtown Wayzata, which owners have not signed a similar Parking Agreement, and such other owners may be able to successfully resist the imposition of such assessments on their properties in the absence of such Parking Agreements. Owner agrees that the City's inability to impose assessments on other property owners shall not constitute a valid basis for the Owner's refusal to pay such assessments, provided that such assessments are allocated so that the appropriate share attributable to properties whose owners successfully resist the imposition of assessments is paid by the City, or, in any event, is not borne by the Owner.
6. **Duration of Consent to Assessment.** The consent set forth herein shall apply only to the first time special assessments for a Parking Facility have been levied on the Property in accordance with the terms of this Agreement at any time from the date hereof until the Termination Date, and subject to the limitations set forth in Paragraph 3(d) of this Agreement. If no special assessments have been levied prior to the Termination Date pursuant hereto, Owner's consent to and obligation for special assessments described herein shall terminate. After the earliest of the first time special assessments are levied or the Termination Date, the City may only assess this Property pursuant to the terms of Minnesota Statutes Section 429 et seq.
7. **Consultation with City When Occupancy Changes.** From and after the date hereof until the Termination Date, Owner shall provide an updated parking analysis (including a proposal for additional parking facilities) at such time as the Owner intends to execute a new lease for a tenant in the Property resulting in increased on-site parking need for employees working in the Property at any one time in excess of the Current Parking Need. If on-site parking need for the Property in the future exceeds the Current Parking Need for employees working in the Project at any one time, Owner may either (i) procure additional Permanent Alternative Parking Spaces to satisfy the excess employee parking need, or (ii) the Owner and City Manager, or its designee, shall determine a mutually satisfactory parking plan to accommodate any such increased employee parking need, provided, however, that if the Owner and City Manager, or its designee, are unable to agree upon such a mutually satisfactory parking plan within ninety (90) days of Owner's notice of the new tenancy, then the Developer shall apply for a new Conditional Use Permit if Developer intends to execute such new lease and the existing Conditional Use Permit shall continue in full force and effect.

as long as the Developer operates the Project in a manner that does not cause the on-site parking need for employees working in the Project at any one time to exceed the Current Parking Need. Time is of the essence, and the City and the Owner will work diligently and in good faith to determine a mutually satisfactory parking plan to accommodate such increased employee parking need to support the Owner's leasing opportunity.

8. **Alternative Parking.** Owner shall have the right to obtain for the Project Permanent Alternative Parking Spaces to replace some or all of the Parking Shortage identified in Paragraph 2 above. Such Permanent Alternative Parking Spaces must be within the Assessment Area defined in Paragraph 3(c) and must satisfy all requirements of the City's ordinances (including the issuance of a special use permit, if so required). In addition, at any time after the Termination Date that the on-site parking need of the Project exceeds, by 25% or more, the 33 parking stalls now included in the Project, Owner shall be required to provide at its sole cost, additional alternative parking spaces which, in the judgment of the City, is sufficient to satisfy the resulting increased parking demand for the Project.
9. **Current Availability of Alternate Parking.** Prior to the execution of this Agreement, Owner has provided the City staff with evidence satisfactory to the City that alternative parking is currently available for the Project.
10. **No Waiver as to Other Assessments.** The Owner has not herein waived any rights to appeal any special assessment for any Parking Facility built outside of the Assessment Area.

[NEXT PAGE IS THE SIGNATURE PAGE]

IN WITNESS WHEREOF the parties hereto have executed this Agreement effective as of the date first written above.

City of Wayzata, a Minnesota Municipal corporation

By _____

Kenneth Willcox, its Mayor

STATE OF MINNESOTA }
COUNTY OF HENNEPIN ss

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

By: _____

Heidi Nelson, its City Manager

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Heidi Nelson, City Manager of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

IN WITNESS WHEREOF, the parties have executed this Agreement effective on the date first written above.

328 Barry Avenue, LLC.,
a Minnesota limited liability company

By _____

John Nolan

Its: Chief Manager

STATE OF MINNESOTA }
COUNTY OF HENNEPIN ss

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by John Nolan, the Chief Manager of 328 Barry Avenue, LLC., a Minnesota limited liability company, on behalf of the company.

Notary Public

This instrument was drafted by:
City of Wayzata
600 Rice Street
Wayzata, Minnesota 55391

Exhibit A – Legal Description

Lot 4, Stephen's Addition to the Townsite of Wayzata, Hennepin County, Minnesota, together with a non-exclusive easement for ingress and egress over the Northerly 10 feet, as measured at right angles, of Lot 5 of said Addition as shown in deed Document No. 1164684.

CITY OF WAYZATA



PLANNING DEPARTMENT

MEMORANDUM

To: City Council
From: Bryan Gadow, City Planner
Date: January 14, 2013
Re: Three Rivers Park District/TAPS Grant Submittal Update

At the January 7th meeting, staff provided the Council with an update on a federal grant solicitation opportunity that is locally sponsored through the Metropolitan Council and the State's Transportation Advisory Board. The program is called the Transportation Alternatives Program Solicitation (TAPS) and is for transportation funds to be released in 2017. Staff submitted a pre-application to the Three Rivers Park District to be included in their "bundled" application for both the potential cycle track along Lake Street and wayfinding signage along Ferndale Rd N to connect Dakota Trail to the Luce Line Trail.

Three Rivers Park District received 27 applications for their bundle and selected 6 applications. The City was selected for the Ferndale Wayfinding project, but not for the cycle track project. To move forward in the submission process, the City Council will need to sign onto a cooperative local bike and pedestrian connection agreement with Three Rivers by January 28th. A copy of this agreement is attached to this memo. In addition, the TAPS grant program requires a local match of twenty percent (20%) of the project costs by 2017 if TAPS funds are received. The Ferndale Wayfinding project is estimated to cost \$13,600, thus the City's 20% match in 2017 would be approximately \$2,720.

Pavement markings and signage on Ferndale Rd between Lake St and Luce Line Trail (approx. 4000 ft)

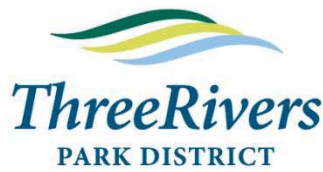
Component	Qty	Unit Cost	Total Cost
Pavement markings for cycle traffic (at intervals of about 250' on both shoulders)	32	\$ 300	\$ 9,600
Wayfinding signage for cyclists			2,000
"Share the Road" or similar signage to notify motorists of cycle traffic on Ferndale Rd and at intersections			2,000
Total estimate			\$ 13,600

Since the City was not successful in having the cycle track project selected for the Three Rivers bundle, staff will submit a separate grant application for the cycle track directly to the Metropolitan Council. The cycle track is estimated to cost between \$54,000 and \$218,000 depending on the design.

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(P) 952-404-5312 - (F) 952-404-5318



January 13, 2014

**Three Rivers
Park District
Board of
Commissioners**

Mr. Bryan Gadow
City of Wayzata
600 Rice Street E
Wayzata, MN 55391

Penny Steele
District 1

Re: On Ramps to the Regional Trail System Proposal Results

Dear Mr. Gadow,

Jennifer DeJournett
District 2

Thank you for your On Ramps to the Regional Trail System proposal to construct an on-street bicycle facility along Ferndale Avenue connecting the Dakota Rail Regional Trail and Luce Line State Trail. We sincerely appreciate the time and effort you put into the proposal. Your proposal was one of six selected to be included in the Park District's Transportation Alternative Program Grant Application for 2017 funding.

Daniel Freeman,
Vice Chair
District 3

The project selection process was very competitive; the Park District received 27 proposals requesting \$6 million. Projects were evaluated on:

- The Transportation Alternative Program (TAP) and the Metropolitan Council priorities/scoring criteria for bike/walk projects;
- Feasibly, multi-use, safety, and directness; and
- Geographically balanced mix of projects and maximum bundle amount of \$1.25 million.

John Gunyou,
Chair
District 4

Your assistance is required to make this a successful grant application. Please forward the following to Park District staff:

John Gibbs
District 5

- 1) List and copies of all local adopted/approved plans in which this proposal is referenced either directly (listed a specific project) or indirectly (meets vision, policies, goals, objectives, etc.): **By end of day Wednesday, January 15.**
- 2) Letter of support to attach to the grant application – example is attached. Please attempt to have the mayor sign the letter; however, if this is not feasible, a city manager/administrator's signature is acceptable: **By noon Friday, January 17.**
- 3) Required executed agreement to Park District **by noon Wednesday, January 29** – draft agreement is attached.

Larry Blackstad
Appointed
At Large

Your Park District staff representative is Ann Rexine. Please contact Ann directly with any questions or concerns.

Sincerely,

Steve Antolak
Appointed
At Large

Kelly Grissman
Director of Planning
763-694-7635
kgrissman@threeriversparkdistrict.org

Ann Rexine
Planner
763-694-1103
arexine@threeriversparkdistrict.org

Cris Gears
Superintendent

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On Ramps to Regional Trail System

Summary of Proposals



Project Name	City	Regional Trail	Project Description
Selected Projects for TAP Application			
Fernbrook Lane North Bike Plan	Plymouth	Luce Line RT	New 10' Trail between CR 6 and LLRT along Fernbrook
Infrastructure:Segment 2	Richfield	Intercity RT	On Street/Bike Lane Facilities
South Cornelia	Edina	Nine Mile Creek RT	250' New Trail Construction
Bicycle Connections-Ferndale	Wayzata	Dakota Rail RT	On Street Pavement Markings and Way Finding along Ferndale between DRRT and LLST
ICRT Extension	Bloomington	Intercity RT	3/4 mile RT Extension/Connection
Project #2	Brooklyn Park	Crystal Lake RT	New Trail Connection
Unselected Projects for TAP Application			
Northwest Greenway Trail Bike Plan	Plymouth	Medicine Lake RT	New 10-12' trail between Vicksburg and Peony Lane
Infrastructure:Segment 1	Richfield	Nine Mile Creek RT	On Street/Bike Lane Facilities
Bike Plan			
Infrastructure:Segment 3	Richfield	Nine Mile Creek RT	On Street/Bike Lane Facilities
Bike Plan			
Infrastructure:Segment 4	Richfield	Nine Mile Creek RT	On Street/Bike Lane Facilities
Bike Plan			
Infrastructure:Segment 5	Richfield	Nine Mile Creek RT	On Street/Bike Lane Facilities
Bicycle Connections-DRRT East Extension	Wayzata	Dakota Rail RT	8,000' Cycle Track on Lake Street from DRRT to CR 101
Elm Creek Greenway Extension	Champlin	Rush Creek RT via ECPR and MnDOT Mississippi River Trail	New Trail Connection
ECPR-Gonyea Development Connection	Champlin	Rush Creek RT via ECPR and MnDOT Mississippi River Trail	New Trail Connection
South Langdon Lake Dakota Rail Connector Trail	Mound	Dakota Rail RT	.15 mile trail along CR110
ECPR Trail Access	Dayton	Rush Creek RT via ECPR and MnDOT Mississippi River Trail	New Trail Connection
Hawk Signal	Hopkins	Lake Minnetonka RT	Hawk Signal at 17th Avenue (midblock crossing)
Project #1	Brooklyn Park	Crystal Lake RT	Crossing 169 and construction of adjacent trail segments along 63rd Ave
Project #3	Brooklyn Park	Rush Creek RT	2,600' Trail connection
Brookview Heights	Edina	Nine Mile Creek RT	275' New Trail Connection
Cahill	Edina	Nine Mile Creek RT	660' New Trail/Sidewalk? Connection
Lake Edina	Edina	Nine Mile Creek RT	850' New Trail Connection
Pentagon Park	Edina	Nine Mile Creek RT	450' New Trail Connection
Tracy	Edina	Nine Mile Creek RT	1,000' 5' Sidewalk
Bass Lake	St. Louis Park	Cedar Lake RT	~1,000 New Trail Connection
Beltline Boulevard Trail	St. Louis Park	Cedar Lake RT	New Trail Connection
France Avenue Boulevard	St. Louis Park	Cedar Lake RT	1,800 New Trail Connection
NCLRT Crossing	St. Louis Park	North Cedar Lake RT	Improved Trail Crossing (realignment and/or ped signal)
Smith Park Connection	Bloomington	Intercity RT	New Trail Connection
Golden Valley Road	Golden Valley	Luce Line RT	600' New Trail Connection
Lilac Drive	Golden Valley	Luce Line RT	2,600' New Trail Connection
101 Connection	Medina	Medicine Lake RT	700' New Trail Connection

COOPERATIVE LOCAL BIKE AND PEDESTRIAN CONNECTION AGREEMENT

This cooperative agreement is between Three Rivers Park District, a Minnesota political subdivision ("Park District") and the City of Wayzata, a Minnesota municipal corporation ("City").

WHEREAS, federal Transportation Alternatives Program (TAP) funds may be available to assist local communities with bike and pedestrian projects which provide direct, safe, and multi-use access to the regional trail system, and

WHEREAS, Park District is coordinating a multi-jurisdictional application to utilize 2017 TAP funds, and

WHEREAS, Park District solicited and is bundling the most competitive proposals from interested cities/agencies into a single grant application, and

WHEREAS, City submitted a proposal to construct an on-street bicycle facility along Ferndale Avenue connecting the Dakota Rail Regional Trail and Luce Line State Trail, and

WHEREAS, Park District intends to include the City's proposal within the TAP grant application, and

WHEREAS, it is expected that the federal TAP grant would fund 80 percent but not more than one million dollars for construction and land acquisition costs of the bundled proposals, and

WHEREAS, Park District and City agree to cooperate to apply for these TAP funds and, if successful in their efforts, agree to cooperate on the funding, design, construction, and associated work items of the City's proposed project, and

IT IS HEREBY AGREED, by City and Park District as follows:

1. Park District will:
 - a. bundle the most competitive, feasible, and geographically dispersed proposals totaling up to \$1.25 million from interested cities/agencies into a single coordinated grant application, and
 - b. coordinate and fund the application for the TAP grant, and
 - c. design and construct the City proposed project and coordinate and fund reasonable non-grant eligible expenses including design and construction administration, if the TAP funds are received.
2. City will:
 - a. execute and forward this Agreement to the Park District by January 28, 2014, and
 - b. provide all necessary property rights to complete the project where the City has rights to do so, and

- c. approve necessary measures by the Park District to secure any additional property rights needed to complete the City proposed project, and
 - d. fund the required 20 percent local match in 2017, if the TAP funds are received.
- 3. Each party will:
 - a. make staff and other resources available to meet project requirements and deadlines,
 - b. operate, maintain, and assume all liabilities of the portion of the project located on lands controlled by each respective party, and
 - c. enter into subsequent reasonable agreements as may be required to complete the project, and
 - d. terminate this Agreement if the TAP grant application is unsuccessful.
- 4. The Park District reserves the right to terminate this Agreement if factors outside the control of the Park District result in the reasonable feasibility of one or more of the bundled projects resulting in the loss of TAP funds.

IN WITNESS WHEREOF, City of _____ and Park District have entered into this cooperative agreement as of the date and year signed below.

City of Wayzata, a Minnesota municipal corporation

Date: _____

By: _____

Its Mayor

Date: _____

By: _____

Its City Manager

Three Rivers Park District, a public corporation and political subdivision of the state of Minnesota

Date: _____

By: _____

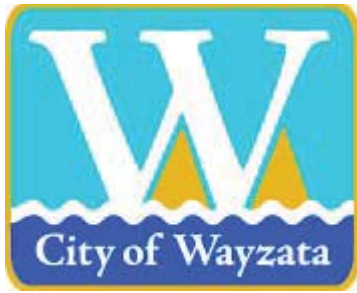
Its Chair – Board of Commissioners

Date: _____

By: _____

Its Superintendent

And Secretary to the Board



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Jack Amdal
Bridget Anderson
Andrew Mullin
Tom Tanner

City Manager:
Heidi Nelson

MEMORANDUM

TO: Mayor Willcox and City Councilmembers

FROM: Heidi Nelson, City Manager

DATE: January 16, 2014

RE: Strategic Plan 2014-2016

Please find attached the Strategic Plan for 2014-2106. Based upon the input from the Council workshop of December 17, 2013, staff has updated the 2012-2013 Plan to reflect the new and carry over strategic priorities for 2014-2016. Staff is requesting approval of the document this evening in preparation for a January 28 staff session with facilitator Craig Rapp to further develop the implementation of the plan.

Strategic Planning Overview

The Strategic Planning Session took place in Wayzata on October 7, 2013. Participants included: Mayor Ken Willcox, Council Members Jack Amdal, Bridget Anderson, Andrew Mullin and Tom Tanner with City Manager Heidi Nelson. Staff included Becky Malone, Deputy City Clerk; Don Johansen, Building Official; Mike Kelly, City Engineer; Kathy Ovshak, Finance Manager; Samantha Grosz, Communications Specialist; Bryan Gadow, City Planner; Dave Dudinsky, Public Services Director; Mike Risvold, Police Chief; and Kevin Klapprich, Fire Chief.

During the daylong session, the group established the priorities, measurements and strategic initiatives outlined on the previous pages.

In order to clarify the strategic challenges confronting the community, the City Council, City Manager and senior staff conducted a review of the current operating environment using a SWOT analysis methodology. SWOT stands for strengths, weaknesses, opportunities and threats. The internal strengths and weaknesses and the external opportunities and threats were assessed.

Strengths Analysis

- Engaged citizenry and volunteers.
- Prime geographic location in the metro and a lake with high economic potential.
- Financial strength and stability (solid financials).
- Talented, experienced staff.
- Sound infrastructure and housing stock with pride of ownership in community.

Weaknesses Analysis

- Staff size and depth: organization, training.
- Succession planning: develop talent, training, redundancy, shared services.
- Communications: external (with community).

Opportunities

- Lakefront.
- Leadership development/succession planning.
- Shared service model.
- Economic development: lakefront, downtown parking, promotion/marketing, geographic/demographic.

Threats and Challenges

- Lack of succession planning.
- Financial health/sustainability.
- Community cultures, conflicts and perceptions.
- Maintaining service demands and amenities.
- Business and living costs versus attracting new residents and businesses.



A BLUEPRINT FOR THE FUTURE

Wayzata is a well maintained and safe community.	Wayzata is an active community with a "Home Town" feel.	Wayzata provides a world-class guest experience.
Wayzata celebrates its proud history on the lake.	Wayzata offers an exceptional lakefront destination.	Wayzata has a strong, stable financial foundation.

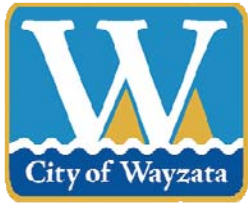
STRATEGIC DIRECTION: Ensuring Financial Stability

Strategic Priority	Key Outcome Indicator	Measure	Target	Strategic Initiatives
Financial Strength FINANCE	Capital maintenance demand	Long-term costs	Funding for highest priority needs	a) 10-year maintenance plan b) Capital maintenance funding strategy
	Audit	Management comments	0	c) Evaluate contracting and documentation processes
	Fiscal strength	Bond rating	AAA	d) Organizational analysis - finance dept. e) Update Muni business plan
	Bay Center	Retail leases	75% leased by 12/31/2015	a) Presbyterian Homes sales/marketing strategy
	Parking downtown	Parking spaces	20% increase by 12/31/2017	b) Carisch ramp consideration c) Analysis of ramp options
Proactive Development and Redevelopment GROWTH	Meyers Dairy building	Site redevelopment	Redevelopment agreement - 7/1/2015	d) Meyers building redevelopment strategy
	Targeted multi-family complexes	Reinvestment	2 complexes improved between 1/1/2014 - 12/31/2015	e) Marketing campaign - multi-family investment program f) Improve rental inspection coordination with reinvestment g) Increase and implement rental housing inspection standards h) Promote development of diversity of housing stock.
	Signage	Increased wayfinding into and within city	Roll out second phase wayfinding by 6/1/2015 New directional signage by 9/30/2014	i) Improve directional signage on freeway j) Monument signage of Muni
	Marketing	Marketing plan in place	Establish marketing/branding campaign by 12/31/2014	k) Develop marketing/branding campaign for city

STRATEGIC DIRECTION: Sustaining Our Community

Strategic Priority	Key Outcome Indicator	Measure	Target	Strategic Initiatives
Organizational Sustainability WORKFORCE	Institutional Knowledge	Documentation/ SOPs	All depts. by 7/1/2015	a) Documentation project - all depts. b) Succession plan - all depts.
	Organizational Structure	Industry standard span of control	In place by 7/1/2014	c) Organizational analysis d) Implement organizational structure changes
	Shared services	Executed agreement	Long Lake PW by 12/31/2014	e) Develop options for shared service f) Implement Long Lake opportunity
Focused Community Engagement CUSTOMER	Citizens' Academy	Participation	20 participants by 12/31/2015	a) Create a Citizens' Academy
	Boards and Commissions	Qualified applicants	2 applicants for each opening	b) Develop an outreach and recruiting program for Boards and Commissions
	Website	Visits	25% increase 1/1/2014 - 12/31/2015	c) Revise and upgrade city website d) Incorporate paperless technology into website
Strategic Priority	Key Outcome Indicator	Measure	Target	Strategic Initiatives
Operational Effectiveness OPERATIONS	Business and permits	Online forms availability	80% by 12/31/2014	a) Online business evaluation b) Program funding and implementation
	Staff time	Utility bill processing	20% reduction 1/1/2014 - 12/31/2014	c) Document current staffing metrics d) Establish improvement program
Maintain and Enhance Community Amenities	Projects	Lake Effect prioritized list	80% implemented on schedule	a) Lake Effect framework adoption b) Lake Effect funding strategy c) Adoption of PTB list d) PTB projects funding strategy e) Scenic byway
MAINTENANCE	Park usage	Users	20% increase website hits between 1/1/2014 - 12/31/2015	f) Parks information/documentation project g) Park app development h) CC 01212014 i) Park app development strategy

STRATEGIC DIRECTION: Enhancing City Assets



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Jack Amdal
Bridget Anderson
Andrew Mullin
Tom Tanner

City Manager:
Heidi Nelson

MEMORANDUM

DATE: January 16, 2013

TO: The Honorable Mayor and Members of the City Council

FROM: Samantha Grosz, Communications Specialist

RE: City of Wayzata Website Redesign Request for Proposal (RFP)

The City of Wayzata is seeking a vendor for the redesign of Wayzata.org, the city's website, and a new content management system (CMS). The goal of this redesign project is to create a visually appealing, easier-to-use website that is optimized for desktop, smart phone and tablet browsing. We are also looking to replace the outdated GovOffice CMS with a newer program that allows for more customization and functionality.

The attached RFP outlines the budget, timeline, equipment and services needed for this project. The document also delineates the deliverables that will be required of the chosen vendor.

On December 6, 2013, the Communications Board, City Manager Heidi Nelson and I reviewed the first draft of the RFP. Feedback was collected, and updates were made to the RFP. On January 8, 2014, the Communications Board, including the newest members, reviewed the RFP a second time. The attached RFP reflects the recommendations made in consultation with City Manager Heidi Nelson and members of the Communication Board.

RFP Purpose

The purpose of the city website design project is to update the City of Wayzata's website with a new design and website content information architecture that supports easy navigation to key services, content management system (CMS), updated content and online registration and bill pay.

Proposed Budget

\$20,000 to 25,000. Hosting and maintenance are included in that amount, so please itemize these costs clearly.

Proposed Timeline (TBD)

RFP issued: January 22

Proposals due: February 19

Finalist Interviews: March 3-4

City Council Review/Approval: April 1

Date of Award: April 2

Scope of Work

We anticipate that budget constraints may prevent us from having all the desired features implemented immediately. We would like vendors to make recommendations and provide flexible options regarding what features can be included in the initial phase, which features could be delayed, and their costs. We would also like suggestions on how City staff could be used most effectively to support the project while keeping our costs down.

Please note the following "wish list" is intended to help scope this project with an eye on building towards the future, but do not let this list limit your recommendations. We are open to feedback and guidance from experienced design and development firms.

Staff Resources

1. Samantha Grosz, communications specialist, will be the contact/project manager.
2. The web/review team will consist of technical and non-technical staff members and the city communications board.

Project Goals

The primary goal of this project is to replace the current website with a redesigned website and new content management system.

Short Term Goals

1. Improve the tools that support updating the website, i.e.; content management system (CMS).
2. Improve the information architecture that supports easy navigation of the site to key City services.
3. Redesign the website with a new look and feel supporting the marketing and branding efforts of the City and reflecting the diverse make up and vision of the citizens of the City.
4. Enable access by smart phones and tablets (mobile version of the website)
5. Secure responsive, helpful tech support.

Long Term Goals

1. Improve the timeliness of content published to the website.
2. Expand the services the City offers to citizens on the website.
3. Enable updating the look and feel of the website on an as-needed basis.
4. Expand the amount of information the City publishes on the website.
5. Ensure easy accessibility and navigational user experience, encouraging citizens to return.

Project Objectives

1. Redesign the information architecture of the City's website.
2. Replace the website CMS software.
3. Redesign the look and feel of the website.
4. Provide for full integration with existing e-government applications currently in use and provide for easy integration with future e-government applications.

Audience

- Residents
- Visitors/tourists
- Government employees
- Media and press
- Contractors (need to access site for permits, etc.)
- Businesses

Vendors replying to this RFP will be asked to organize and itemize their proposals into four (4) main areas for the City's consideration of their services: design; content management system (CMS) software; implementation of CMS software; and training.

A. The vendor will be responsible for the following:

1. Redesign the City website look and feel that will support the City's brand as well as the marketing needs of specific departments/services.
 - Provide a project plan for the design phase of the project.

- Develop new information architecture to reflect the needs of the community and website users.
 - Determine a consistent look and feel for the website, including color schemes, graphic elements and straightforward navigation tools within a unifying graphic theme.
 - Provide design mock ups of primary website sections: Home page, Government/City Hall and I Want To.
2. Apply website redesign mock ups to website CMS software implementation to enable information ready website.
 - Provide a website CMS software implementation plan. This can be integrated with the overall project plan.
 - Install and configure CMS software.
 - Consulting with City staff to determine how the CMS navigation will support City needs.
 3. Website CMS training for site administrators and content contributors.
 4. Testing across multiple browsers, locations, and servers.

B. The successful vendor will deliver the following:

1. Look and Feel Design
 - The vendor shall provide a minimum of three designs of the proposed website.
 - The vendor will work with the city to determine a new website content information architecture navigation framework.
2. CMS
 - The vendor shall provide a comprehensive CMS solution.
 - The city prefers to avoid proprietary, limited release CMS solutions.
 - The CMS shall be accessible via external access.
 - The vendor will provide a search engine solution that will support indexing of all contents within the CMS as well as external city website resources.
 - The city will own all content, data (including user-generated email addresses and data) on the CMS/website.
3. Website
 - The vendor shall provide a fully operational and working website framework.
 - After approval of website template/design, vendor shall begin updating and migrating information. (This is flexible,

depending on budget. To reduce costs, city staff is available to assist with migration.)

- The vendor shall assist in addressing any URL name changes and/or URL naming conversions.
- The website shall be designed for future integration of e-government applications (LaserFiche, e-permits, e-agendas)
- The vendor will assist with testing across multiple browsers, locations, and servers.

4. Training

- The vendor will provide full and complete training of the CMS.

Website/CMS Features

Technical Requirements

1. **CMS Platform** – The City prefers a modular CMS solution under active development and an active user community.
2. **Performance and Reliability** – Average page load times will be at least as fast as the current CMS, but we're aiming for faster.
3. **URL Rewrite** – CMS must have the ability to generate friendly URLs.
4. **Relational Data Design** – The CMS must be capable of creating data relationships between different types of content. For example, information about City Departments would be stored in one content table. Other tables would contain information about city office locations or city programs. Relationships between those tables and the departments table would allow program pages to display information about the department that provides it, or department pages could provide their office locations, while avoiding the duplication of data in many different pages or content types.
5. **Taxonomies** – The ability to organize content in different ways and display the same items on different parts of the site based on different organizational views. For example, any content labeled as a form could be displayed on a central forms page. Forms specific to building construction could also be displayed on pages for that topic.
6. **Analytics** – We currently use Google Analytics. The new CMS should support Google Analytics reporting.

Website Design and Features

1. **Flexible Homepage** – The ability to change content, images, and icons on the homepage without compromising the design. Specifically, a content block which would allow the web editors to promote content based on urgency, timeliness and interest of the public. For example, emergency notices, seasonal information, and pages with information on topics being discussed in Council meetings. Photos should be able to be easily swapped out, and must not require a graphic designer to add graphic elements to the

- individual.
2. **Emergency Messages** – The ability to quickly and easily insert emergency information on the home page. Authorized, non-technical staff must be able to activate this feature.
 3. **Templates** – A series of templates to use for various purposes to maintain consistency of design.

Calendar

Create City Meetings, community events, holidays, etc. in a central interface and shared across the websites, filtered by subject matter, category, or department.

1. Options to display events in a list format or a conventional grid. Events displayed can be filtered based on categories. Categories should be distinguished by color, an icon, or some other means. The order of events can be set so more significant events will appear first.
2. Events can be downloaded to desktop calendar programs such as Outlook or added to a user's personal web-based calendar. Coming events would be published on RSS feeds, organized by category. The ability to push events out through social media platforms would be a plus.
3. The ability to control the time range of calendar display (e.g. one week, two weeks).
4. The ability to easily move to other months and years via selection (drop down list, etc.), rather than page through each month.
5. The ability to create recurring events as well as identify and list those in a recurrent series for editing purposes.

News

1. **News Subscriptions** (enotification) – The ability for users to sign up to receive news categories (which should include event categories as well).
2. **News Publishing/Mailing** – The ability to keep news from publishing unless a specific option is selected. The ability to set up an item to be published at a specific date and time, as well as the ability to automatically trigger the sending of the news item to the subscribers at that time without additional intervention.
 - a. Ability to schedule specific content for posting.
3. **News Archiving** – the ability to set specific archiving dates for individual news items to override default archiving dates.

Multimedia

Easily incorporate streaming video, Flash or JavaScript animations, slideshows, webcams, or other types of multimedia content. This content may be delivered from third-party websites.

1. **Photos/Images** – Tool for resizing, optimizing picture quality, and improving upload speeds. Protection features for images to prevent copyright theft.
2. **Social Media/Web 2.0 features**–Single point access to push out content to various media sources (email news, Facebook, Twitter, etc.) with the ability to add new social media sites at will. We'd also like options to add blogs and discussion forums, and email subscriptions by topic.
3. **Libraries**–File links or photo displays could be published individually on pages, but with the option to create an automatic display of all the files in a library, or subsets based on metadata tags. Lists of links to documents could be managed to control the order of the list. Photos could be displayed in an album format, with captions and the option to have thumbnails linking to larger images. Libraries should be searchable in the CMS, at the very least by object id.
4. **Documents** – Ability to organize and manage uploaded documents.

Navigation

1. MEGA Drop Down Menus
2. Breadcrumb navigation
3. Secondary level navigation within specific content subject matter areas
4. Friendly URLs
5. Addition of external pages to navigation
6. Flexible navigation tools that facilitate management of common links across site.
7. Ability to reorganize content to different sections of the website without manually changing content links.

Vendor Selection Criteria

When selecting a vendor for this project, we will be evaluating candidates on the following criteria:

- Experience building flexible websites that can easily be modified.
- Experience working with government organizations.
- Solid user interface/information architecture skills for organizing content.
- Vendor takes a holistic approach in building the website (insight into integrating social platforms, government applications, analytics).
- Vendors that have their own CMS system or use a popular CMS like WordPress or Drupal.

Format for Proposals

1. Executive Summary

2. Technical Volume

- a. Web development process: explain the process you will follow to build the Web site, including major milestones and evaluation
- b. Address usability standards and testing
- c. Address any important technology information and specifications used in your solution (languages, platform, etc.)

3. Management Volume

- a. Organizational structure: communication process; including lines of reporting and any special tools used.
- b. Schedule of deliverables; include major milestones and testing proposal.

4. Budget Volume

- a. Break down cost by production hours, tools and functionalities
- b. Maintenance and support: identify any costs that should be assumed as part of the site and ongoing costs for maintenance and support we need in the future.
- c. License fees: identify the costs we will need to pay to develop or host the site.
- d. Hosting: identify whether we must or are highly encouraged to host with your company. If hosting is provided as an option or requirement, provide pricing options.
- e. Training and Style Guide: identify costs to train our staff to use site tools and provide a style guide.
- f. Other charge areas: Please identify whether there will be other expenses, consulting fees, future work, etc. to complete this project.

5. Attachments

- a. Qualifications and Experience: relevant case histories with information on accessing online demos or examples
- b. Biographies of all who will work on account
- c. Professional references